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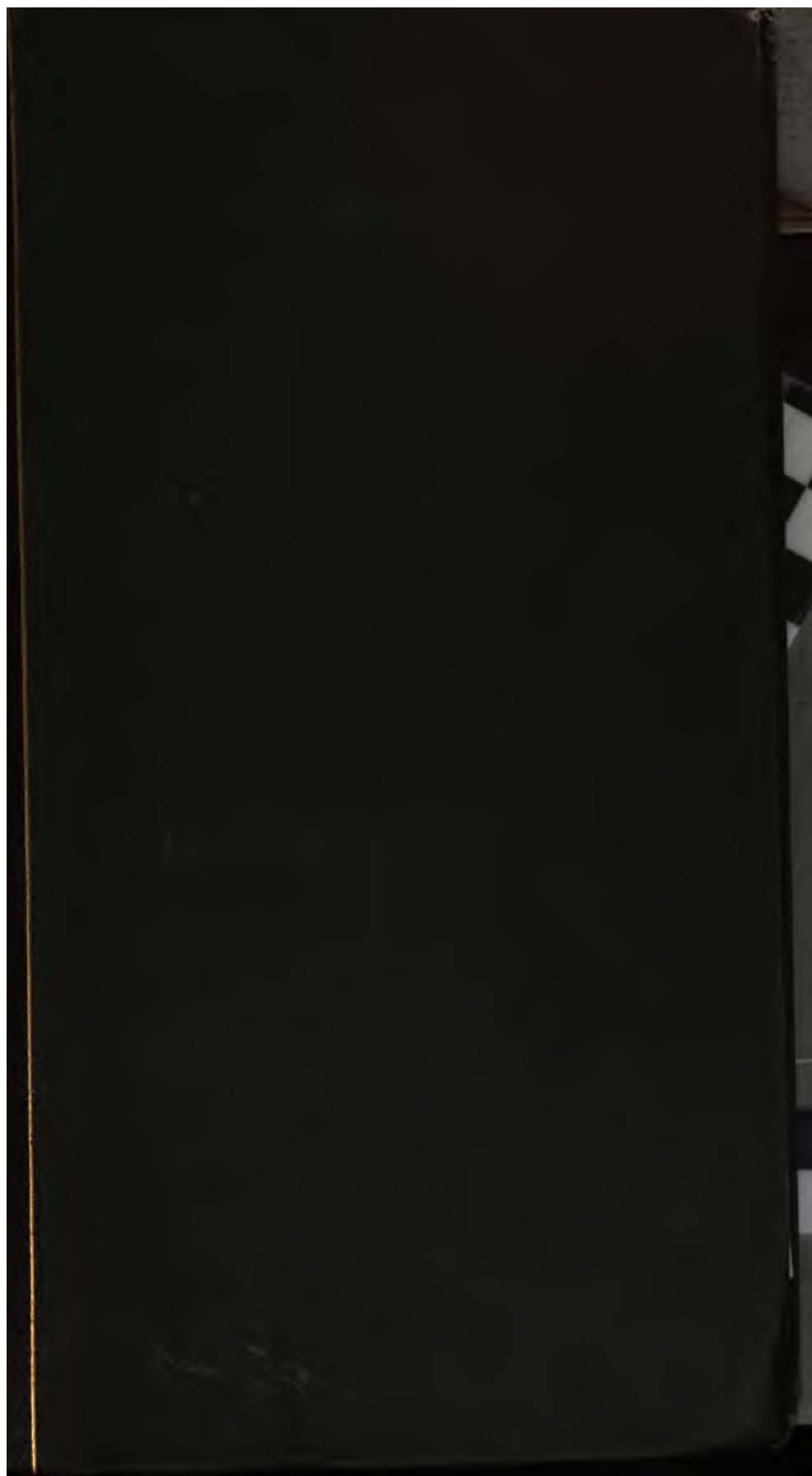
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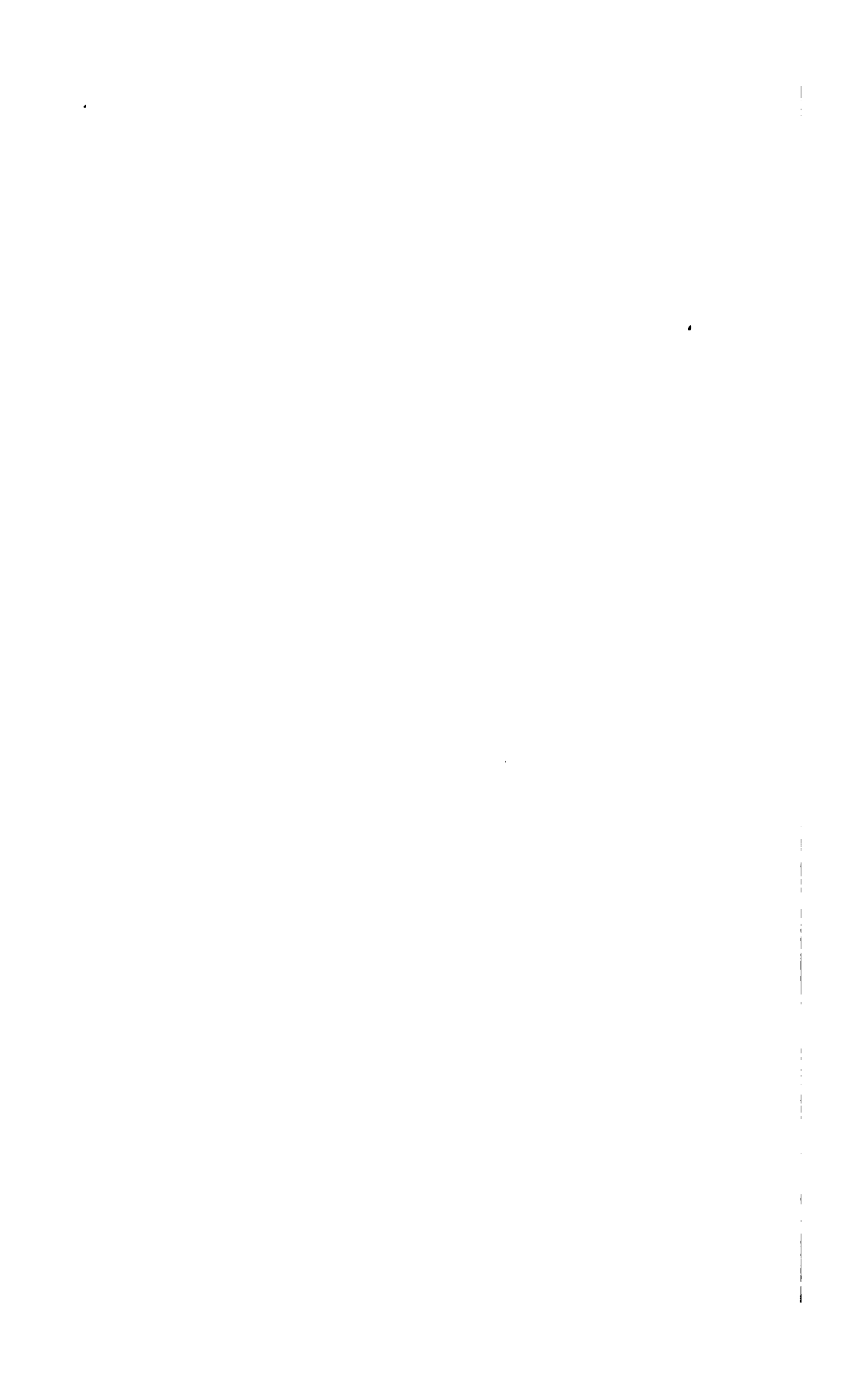
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The Scottish Text Society

GILBERT OF THE HAYE'S
PROSE MANUSCRIPT

I.

THE BUKE OF THE LAW OF ARMYS



GILBERT OF THE HAYE'S PROSE MANUSCRIPT

(A.D. 1456)

VOLUME I.

THE BUKE OF THE LAW OF ARMYS

OR

BUKE OF BATAILLIS

by
H. L. M. M. M.

EDITED

WITH INTRODUCTION

BY

J. H. STEVENSON

Printed for the Society by

WILLIAM BLACKWOOD AND SONS
EDINBURGH AND LONDON

1901

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PREFATORY NOTE.

TO the courtesy of the Honourable Mrs Maxwell-Scott of Abbotsford, in the first place, the Scottish Text Society is indebted for permission to print the Haye Prose Manuscript. The Dean and Council of the Faculty of Advocates, as trustees of the older Abbotsford Library, of which the volume forms a part, readily added their consent.

The making of the transcript for the use of the printer was intrusted to the Rev. Walter MacLeod, but as the editor has carefully collated the transcript with both the print and the MS., he desires to take his full share of the responsibility of any mistakes which may still have crept into the print.

J. H. S.

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MUSEUM) *

* Presented to the Scottish Text Society by Mr J. H. Stevenson.

INTRODUCTION.

I. DESCRIPTION OF THE MANUSCRIPT.

IN one of the libraries at Abbotsford stands a tall folio,¹ General. which in respect of its age and its origin, its contents and its binding, is unique and remarkable.

The volume contains the earliest dated literary prose in the Scottish language—if we except such literature as we find in official documents and miscellaneous correspondence—and it is also our earliest prose manuscript of that same literary sort. It consists in the main of translations of three of the most popular works of the middle ages: (1) 'L'Arbre des Batailles'—not known to have been translated into any other language of the Teutonic family; (2) 'L'Ordre de Chevalerie'; and (3) 'Le Gouvernement des Princes.' It records that it was made in the year 1456, in Roslin Castle, at the command of the Earl of Orkney and Caithness, Chancellor of Scotland, by Sir Gilbert of the Haye, knight, late chamberlain to the King of France; and in the beautiful design of its stamped leather cover is the name of an unknown or long-forgotten binder—maybe a fifteenth-

¹ Press-marked, "Abbotsford Library, Z 1."

century Scot. Scattered through the volume are the signatures and notes of several of its many owners, which are interesting in relation both to the book and to the writers; and at the end are added in the writing of one of the earliest of them two pieces of prose of considerable independent interest—namely, a translation of a fifteenth-century genealogy, and a sixteenth-century account of a Church procession, both of which are in sixteenth-century vernacular.¹

Binding. The volume is 16½ inches in height and 11½ broad. It is in its original boards; and they have their original brown calf-hide covering outside, and original parchment linings and end papers inside. The outer leather, which has been injured, mostly at the lower end of the boards, has been partially raised, and relaid after the insertion of patches of new leather where the old had failed; but the new is easily distinguished by the shapes of the stamps which have been used on it and in other ways. Enough of the original leather is left to show what the whole design of its ornamentation has been; but it seems to have suffered from pressure, perhaps during the patching operations.

¹ These writings are on the three last folios. They are—(1) on f. 130, "The ordour of the Processioun and bering of the Sacrament in Antuarpe, the first day of Junii, the 3eir of God imv^elxii"; (2) on ff. 131, 132, a translation of a kind of Birth Brieve, in the form of a letter sent by Thomas Bishop of Orkney and the members of his Chapter, on 1st June 1440, to the King of Norway, testifying to the right to the earldom of Orkney possessed by the Sinclair earl of that date. The document ends with the words, "Translatit out of Latin into Scottis be me Deine Thomas Gwld, munk of Newbothill, at the request of ane honourable man William Santclair, baroun of Roslin, Pechtland, and Harbershyre, Anno Domini m v^e liiij." But it is probably only a copy of Dean Gwld's translation, the handwriting of both pieces appearing to be that of Sir William Sinclair himself. See below, p. xxi.

There are two brass clasps on leather hinges. One The clasps.
of the clasps at least is apparently entirely original.
Their style, which may be gathered from the appearance of the catches in the illustration of the binding,¹
is of the date of the manuscript, and the same as that
of the remains of the clasp of one of the Advocates'
Library copies of Wyntoun's Chronicle (MS. 19.2.3).

The ornamental design on the cover is of unmatched The design
on the
cover.
interest. It is "stamped binding" of a quality that is
rare as the product of any country; and the country to
which it belongs is a matter of question. The design
is too elaborate, and the stamps too numerous, to be
described only verbally; the Hon. Mrs Maxwell-Scott
has therefore added to her courtesy to the Society by
allowing it to issue a collotype reproduction of one of
the boards, and to this the reader is requested to refer.
The reproduction, which is placed map-like in an end
pocket of the present volume, is made of the exact size
of the original, to facilitate the comparison—if it is
desired—of the stamps which are used there, with those
on other books.

Thirty-three separate stamps have been employed to
complete the design, and they are by no means apparently
used without selection. They include four, or perhaps
five, sets of two or more dies, and those that are not in
sets are still not used irrespective of their sizes and
characters.² This enumeration does not include the
stamps used on the new leather, though the identifica-

¹ See collotype reproduction of binding in pocket at the end of this volume.

² The stamps may be roughly catalogued as—one set of twelve (apostles); three sets of three dies (containing words); a set of two dies (containing rampant unicorns), and ten separate stamps of various kinds.

tion of these might go to complete a more modern chapter of the history of the book and its fortunes.

The disposition of the stamps on the board is also remarkable; along with a certain amount of tooling in perpendicular and horizontal lines, they compose a single design which occupies the whole board, and each impression of each individual stamp has been made with care and great accuracy.

As the collotype reproduction of one of the boards is in the reader's hands, it is scarcely necessary to call attention to many of the individual stamps, such as that which represents the Paschal Lamb with the chalice and banner; the stamp with the **I h s**; the curved, fish-shaped stamps with the words, **Ihesus**, **Maria**, and **Johannes**; the large conventional rose stamps; the line of lozenge-shaped stamps with rampant unicorns facing dexter-ways toward the panel in the centre; and the corresponding line, on the other side of the panel, of similar dies with unicorns facing sinister-ways; or, lastly, the stamp containing the lion and bear combatant, and the tree beside them.¹

The twenty figures in the central panel are those of twelve of the apostles with their symbols. After the binder has exhausted his admissible² stamps here, he has begun again at the beginning, and made up his number with the first eight repeated. In each case he has begun at the upper corner of the panel nearest the fore-edge of the board, and worked towards the back.

¹ Le Comte Theodore de Renesse, in his 'Dict. des Figures Heraldiqne,' ii. 677, gives a bear and lion *affronté* as the cognisance of Cambous de Casalis.

² Whomever the mediævals included among the "apostles," they restricted the number to twelve.

He has followed all orders in placing St Peter first, and the canon of the mass in inserting St Paul, and placing him next, between St Peter and St Andrew. But it is not clear by what rule he has chosen and arranged some of the rest.

The mediæval Church did not observe a uniform rule either in the persons whom it included in the Twelve, or in—with one or two exceptions—the order in which they were placed, or the symbols which accompanied them. In these matters the practice differed in different places. St Paul, and in some places St Mark, St Luke, and St Barnabas, were substituted for an equal number of the less prominent of the original Twelve of the Bible.¹ As the twelve stamps on the binding under discussion appear to be members of a set, they probably represent the Twelve as it was recognised at the place of the die-cutter who made the stamps, or of the binder who ordered them. So far as we can identify the figures by the symbols² which they hold, they represent—

1. St Peter, with a key.

2. St Paul, with a sword.³

¹ 'Caracteristiques des Saints,' par Le P. Ch. Cahier, 2 vols., 1867, Paris. Jameson, 'Sacred and Legendary Art,' i. 176.

² These are generally the instruments of their recorded or traditional martyrdoms.

³ The order of the Twelve as given to us by St Matthew (x. 2-4) is—(1) Peter, (2) Andrew, (3) James ("the Greater") the son of Zebedee, (4) John, (5) Philip, (6) Bartholomew, (7) Thomas, (8) Matthew the publican, (9) James ("the Less") the son of Alphaeus, (10) Lebbeus surnamed Thaddeus (Jude), (11) Simon the Canaanite (Zelotes), (12) Judas Iscariot. In the Acts of the Apostles (i. 26) we read that Matthias was chosen to fill the place from which Iscariot fell. In the Roman Missal, as now settled, they are—(1) Peter, (2) Paul, (3) Andrew, (4) James ("the Greater"), (5) John, (6) Thomas, (7) James ("the Less"), (8) Philip, (9) Bartholomew, (10) Matthew, (11) Simon, (12) Thaddeus.

3. St Andrew, with a (saltire) cross.
4. St Thomas, with a spear. Though St James the Greater, with a pilgrim's staff and water-bottle slung from it, may possibly have been intended.
5. St John, with a chalice and serpent.
6. St Luke or St Mark, with a pen and ink-bottle, unless the object in the hand of the figure is meant to be a palm and water-bottle, for St James the Greater. The round object under the hand seems to preclude the idea that the large knife, the emblem of St Bartholomew, is intended.
7. St James the Greater, perhaps, or St Jude, with a sword, its point downwards. In the elaborate panel which forms the characteristic of the title-pages of the English Bible of 1599, published in London by the Deputies of Christopher Barker, are represented the twelve apostles of the New Testament, and the four evangelists, each in a compartment, along with his name and an emblem.¹ Jude, there, is holding a sword as if it were sheathed by his side, point down of course. The apostle elsewhere is represented with a club, a halbert, or a lance.
8. St Simon the Canaanite, with a great saw, blade downwards.
9. St Jude probably, with a club, which is one of the symbols with which he is found.
10. St Philip, with a long crosier, which in this case has been made, somewhat timidly, into a double or patriarchal cross.

¹ The panel includes also the heraldic cognisances of the twelve tribes of Israel, each on a shield in the doorway of a pavilion.

11. St James the Less, with a fuller's club.
12. St Matthias, usually if not invariably last, with a pole-axe or halbert.

Over the panel is a line of three words in Old English characters—**Ihesus** | **Maria** | **Iohannes**—each word in a separate stamp. Similarly there runs a legend at the foot of the panel, and on this legend the interest of the binding centres. It is in the same lettering, and the same number of stamps, and is—**Patricius** | **Lowes me** | **ligabit**.

Patricius Lowes, binder, has been hitherto unknown or unnoticed. Who was he? Where and when did he bind this book, which he bound so beautifully? The binder.

Sir Gilbert began¹ his translation in 1456. The book, or at least the first part of it, the 'Buke of Batailles,' seems to have been the *prima cura* of the translator, and the whole contents of the volume appear to have been written as continuously as a hundred and twenty-nine folios could be. It may have been finished in a few months, let us say—in 1457 at latest. For such a book the binder would be called in forthwith. The Chancellor Earl, at whose command the manuscript had been made, kept a kingly state in his castle of Roslin. He had titles of nobility and knighthoods enough "to wearie a Spaniard," says the genealogist of his house.² The Lord Dirletoun was his master household, the Lord Borthwick was his cupbearer, and the Lord Fleming was his carver, and they served the Earl in vessels of gold and silver. The countess also was conducted like a princess; "none matched her save the Queen's Majestie." The Earl's surname, we are told, was Prodigus, but it was

¹ See below, p. xxii.

² Father R. A. Hay, 'Genealogie of the Sainteclaires of Rosslyn,' p. 33.

not all pomp and ceremony. Outside the castle walls he formed a settlement¹ of artisans, some of them brought from foreign lands to build his College Kirk.² In his scriptorium, translating books on the laws of war, chivalry, and government, was an ex-chamberlain to the King of France. This northern potentate, then, may well have had in his domestic service a Patrick Lowes, bookbinder.

In the larger monasteries the whole office of the scriptorium was not executed till the book was bound, and no doubt a certain amount of binding, some of it skilful, was being done at that time and earlier in the monasteries in Scotland, although no binder of name who was not a secular or a layman was known outside their walls.³ Beyond the monasteries, cathedral chapters, St Andrews University, and one or two castles such as Roslin, there were few places in Scotland in the fifteenth century where more than very ordinary binding could have been done. In those days a manuscript might, of course, have been sent abroad to be bound, as subsequently manuscripts were sent to be printed. If, on the other hand, the book was bound in Scotland, then Edinburgh for several reasons is the most likely town where a binder for a Roslin book would have been

¹ Roslin village, created at this Earl's instance a burgh of barony.

² Now Roslin Chapel.

³ In the Exchequer Rolls of the year 1460 (vol. vi. 581), there is an entry of a payment of 10 pounds 15 shillings to James Chalmers, clerk of the Chapel Royal, for repairing the books of the chapel, and covering them—"co-operimento eorundem." In the Inventory of the Glasgow Cathedral Library (A.D. 1432), one book is said to be in the hands of the binder—Domini Ricardi Air—the binder, or at least the person who was responsible for the binding, being thus a clergyman in this case also ('Registrum Episcopatus Glasguensis,' Ban. Club, ii. p. 335).

sought for.¹ There, indeed, about the date with which we are concerned, we find a Patrick de Lowis, a burgess and possessor of a tenement in the town. This, unfortunately, is nearly all we know about him. The sum of our information in its detail is that, on 17th October 1447, Patrick is spoken of in the Register of St Giles's Church as alive,² that, on 15th February 1466, the Great Seal Register³ speaks of him as dead, and that his tenement was on the north side of the High Street, on the west side of the tenement of Duthac Wigmore, and above the "two lands" of Henry Bell, one of which "lands" was bounded by the Nor' Loch.⁴ Sir Patrick Lowis, chaplain, is mentioned in a litigation by an Edinburgh burgess on 11th July 1494.⁵ Another Patrick Lowis, apparently a notary, is a witness at Edinburgh to a charter of 1517.⁶ But though persons of the surname continued to hold property in Edinburgh for generations afterwards, the Christian name Patrick does not occur again with it.

¹ Roslin is only eight miles by road from Edinburgh; and Lowys, Lowis, Lowes, &c., is a Lowland Scots surname. Walter Lowys witnesses a charter, A.D. 1318, to lands in the earldom of Dunbar (*The Laing Charters*, 22). The territorial family of Lowis of Manor in Peeblesshire is found as early as 1463-64 (*Reg. Mag. Sig.*, No. 781). The family of Lowis of Merchiston originated in Edinburgh. The various spellings of the surname, mostly the random efforts of scribes, at a time when no one felt insulted at the misspelling of his name, convey no suggestion that the names were not the same. The charter which passed the Great Seal on 23rd July 1658 (*Reg. Mag. Sig.*, P.R. viii. 151) in favour of Ninian Lowis is entitled in the record a charter in favour of Ninian Lowes.

² *Registrum Ecclesiæ Sancti Egidii* (Ban. Club), 77, 114.

³ *Reg. Mag. Sig.*, 24th Feb. 1466 (908); 22nd Oct. 1477 (1320).

⁴ *Ibid.* The North British Railway line and the Princes Street Gardens occupy the site of the now drained North Loch.

⁵ Action by David Henryson against James Lockhart of the Lee (*Acta Dom. Conc.*, 374).

⁶ *Reg. Mag. Sig.*, 18th July 1517 (173).

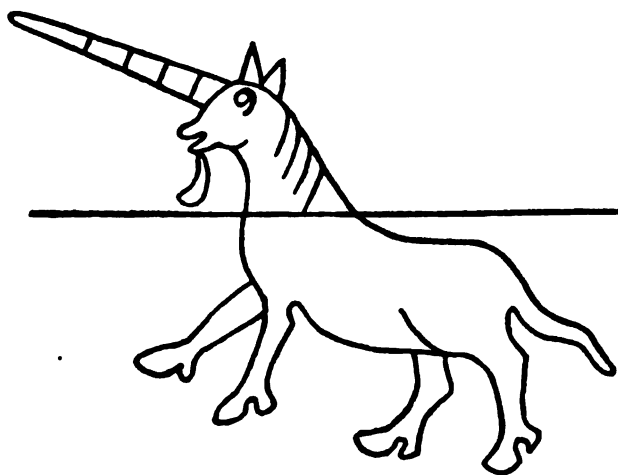
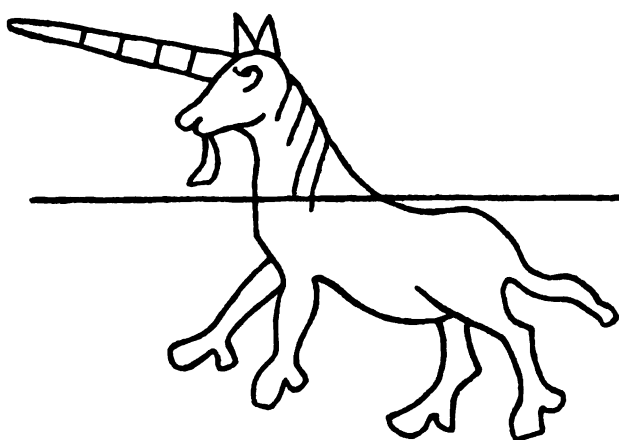
We have met nowhere else with any of the stamps used in this solitary piece of Lowes's binding.¹

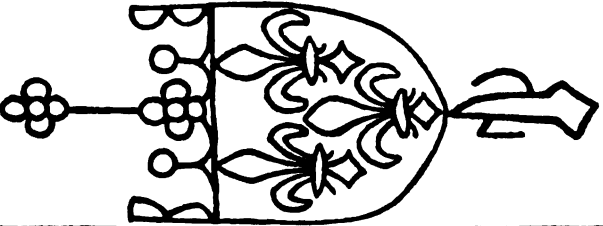
Paper and
paper-
marks.

The sewing of the book has not been disturbed when the cover was partially raised. It is still firm and sound ; only one leaf—the last end leaf—is loose. The next two—ff. 131, 132—have been removed, and they or others in their place have been pasted in again.

The volume has originally consisted of eleven gatherings of six sheets, or twelve folios, each, and an end-paper at the beginning and end of the book—*i.e.*, 132 fols.+2. The paper, pronounced by David Laing to be of Lombard make, is stout. With the exception of a slight stain along the back and part of the lower edge of the leaves, and worst at the end of the volume, as from a single wetting rather than prolonged damp, it is in excellent condition. The first nine gatherings, with the exception of the four outer sheets of the fifth, have a paper-mark of a unicorn. Two varieties of this mark occur, but they are not so different as to preclude the idea that they were simultaneously used on different sieves in the same paper-making, and the papers so marked are indistinguishable from each other. The wire-marks of the paper are on an average a fraction less than $1\frac{1}{2}$ inches apart. The four outer sheets of the fifth gathering—*i.e.*, folios 61-64, 69-72, are of a slightly thinner paper with wire-marks only $1\frac{1}{4}$ inches

¹ A small fifteenth-century, Scottish-made breviary, once belonging to Aberdeen (now in the Advocates' Library, MS. 18.8.14), and bearing the signature of John Galloway, an archivist and custodier of the Aberdeen Bishopric treasures in the first half of the next century, bears a stamp of a foliated scroll which may well have been made by Lowes's die-cutter. It has also remains of Old English lettering up the centre of one of the boards which we cannot now decipher.





apart, and a faint paper-mark which seems to consist of a shield of the arms of France ornamented with a crown and with a pendant figure of a letter, the meaning of which the mark-maker has not understood. At the end of the ninth quire the scribe has changed his paper for good, and from thence to the finish he has used a third variety, which, though similar, is if possible better than even what he began with. It has the same width between the wire-marks; its paper-mark is a small heart out of which rises a cross. Full-sized drawings of all four marks are here given.¹

The original manuscript—begun in 1456—ends on folio 129. The last two folios (fols. 131, 132), though of the same paper as those which they follow, have apparently been separate from the book before 1554, the date of the writing—the Sinclair genealogy—which they contain. That seems evident from the circumstance that

¹ The unicorns are not unlike the animal on the paper of the 'Biblia Belgica' of 1477—in Sotheby's 'Typography of the Fifteenth Century,' No. 73. The unicorn, which appears on early binders' stamps and as a fifteenth-century paper-mark frequently (also later), was a heraldic cognisance of Scotland, of Philip of Burgundy (Sotheby, 'Principia Typographia,' vol. iii. *sub voce* "Unicorn"), and of several noble families in France and Germany.

The figure pendant from the mark with the arms of France is not clear in the impressions which we have of it. It may be a corruption of the monogram constructed out of the letters "P" and "Y." If so, however, their identification by Sotheby in other marks as the initials of Philip and Ysabella of Burgundy could not apply.

The heart—in heraldic language: *a heart, a passion cross issuant therefrom*—would look at first sight like an emblem of the Atonement for Sin arising out of the Divine Love, but for the frequency of the cross ensigning other forms of paper-marks, such as letters, bulls' heads, and jugs. The only coat of arms which we have discovered with a bearing at all similar is that of Calanchini—viz., *un cœur sommé d'une croisette pattée, et chargé d'un croissant* ('Dictionnaire des Figures Heraldique,' par Le Comte Theodore de Renesse, iii. 357).

the first folio of the gathering to which they belong has the paper-mark belonging to its sheet; the last folio of the same ought therefore to be unmarked, but it has a mark also. The second folio has no mark; the second-last folio ought therefore to have the mark, but it has none. The inference is that the folios at the end have been transposed. As the writing which they contain follows their present order, the transposition has been made previous to it—the leaves then were taken out of the book while probably they were still blank. The folios bear marks also of having been folded crossways into three, after the writing was done on them. At present they are two independent leaves pasted into the book against the next folio (f. 130), and it is impossible to say from the state of the pasting that they have not been separated from their attachments more than once. All the other folios in the book are complete, and with the exception of one or two short tears, are perfect. The leaves are all of a uniform size—fractionally less than $15\frac{3}{4}$ inches in height and $11\frac{1}{4}$ inches broad.

Hand-
writing.

The fifteenth-century manuscript—that which fills the first 129 folios—is written throughout in a single column with wide margins. There are on an average 15 words, or thereabout, in a line, and about 45 lines in a page. There is no ruling, save the four containing lines for the manuscript in each page. There is also no ornamentation in the manuscript beyond the initials of the first words of chapters, which are plainly done in red, and a few long letters at the beginnings and endings of the books into which the manuscript is divided. The penmanship is good; it is clear, close, and regular, and so uniform throughout that the whole might have been done at a sitting. The specimen reproduced (opposite p. xxii),

from the first folio, is representative of the writing on any of the others, save that towards the end of the book the punctuation is sparser. The ink is still nearly black. The contractions which are used seldom involve more than a single letter. There is the usual freedom in spelling, but there are very few scribal errors. At the end of each quire the first word, or sometimes phrase, of the next is announced as usual, to guide the binder.

The sixteenth-century writing on the last three folios, which has been already alluded to, is entirely devoid of ornament; it extends to the edges of the paper, and is cramped withal, as if it was necessary that the matter should be got into a limited space. The writing on the first of the three—that of the account of the procession—is not so sharp, careful, or cramped as that on the last two, which contain the Orkney diploma; but both writings strongly resemble the handiwork of Sir William Sinclair of Roslin, Justiciar of Lothian,¹ who flourished in the sixteenth century, and whose writing—to be alluded to again ²—we know from other sources. The same hand supplies some Latin verses left out by the scribe from the 'Buke of Batailles,' and a long Latin note on the same subject—the election of the emperors—which has been inserted between the first end leaf and folio 1, and which has been written on a leaf of the same paper as that of which the book is composed.

A modern sheet of foolscap is pasted in beside it, with the beginning of a description of the contents of the MS. on it—perhaps in the hand of Dr George Mackenzie, a subsequent possessor of the book.³

¹ Charter of Justiciary of Lothian, 20 January 1559-60—Hay's 'Genealogie of the Sainteclaires,' p. 139.

² See below, p. xl.

³ See below, p. xlv.

On the paper inside the boards, on the blank end leaves, on leaves 1, 85, 129, 130, 131, and others, are signatures of successive owners, which shall be mentioned presently in their chronological order, in connection with the attempt about to be made to trace the fortunes of the book after it left the hands of its makers.

Contents. The writing of the text begins on the inside of the first folio. The first words are the apostolic benediction, showing that the speaker was a priest. Then comes the announcement: "Here begynnys the Buke callit the Buke of the Law of Armys, the quhilk was compilit be a notable man, Doctor in Decreis, callit Bonnet, Prioure of Sallon." Some lines lower down he continues: "Translatit be me Gilbert of the Haye, knycht, maister in Arte, and Bachilere in Decreis, Chaumerlayn umquhile to the maist worthy King Charles of Fraunce, at the request of ane hie and mychty prince and lord, Williame Erle of Orkney and of Cathnes, Lord Synclere, and Chancelare of Scotland, in his Castell of Rosselyn, the gere of our Lord a thowsand four hundreth fyfty and sex."

In this and the next 84 leaves (ff. 1-85) is this translation of the 'Buke of the Law of Armys.' It ends with no avowed or apparent addition to the original save the simple words, "Here endis the Buke of Bataillis, and beginnis the Buke of the Order of Knychthood." The translator, then, without apparently turning in his chair, and the scribe with, as it were, the same penful of ink, proceed on the next line of the paper of the same folio with the 'Buke of the Order of Knychthood.' They continue together over eighteen folios more (ff. 85-103), and on leaf 103 the translator comes again to say something of his own: "Here endis the Buke of the Ordre of

I are sorrowing the prolong of the kind but
 dations - dominey proun- of Gallay man
 Geniue! And some after full sorrowe to
 fornamint, famplietit Be me Gilbert of the
 and butelise in detour, Chammelayn dng
 Charles of France, at the request of our
 the Lord William, sile of Orleans, and of
 ear of Scotland. In his request of Rosslyn. That
 send. Some. Gunderis fester and sic.

Obediential of Rosslyn
 King

At the death of Royall Gairth.

Knychthede, and beginnis the buke callit the Buke of the Governauce of Princes." This "buke" fills the last twenty-six leaves (ff. 103-129)—"Explicit Le Gouvernement des Princes," writes the scribe, and lays down his pen. It was more than commonly careless for the Haye to mix his languages at such a moment, but he says nothing else. He is content with the "In nomine Patris et Filio et Spiritus Sancti," which he has copied out of the original—the somewhat remarkable sentiment for the lips of Aristotle, and he makes no colophon.

2. THE TRANSLATOR.

In Sir Gilbert the Haye we recognise the name of a A Scot. poet rather than a prose writer. Dunbar in his "Lament" numbers him among the Scottish Makaris:—

"Clark of Tranent eik he has tane,
That maid the Anteris of Gawane;
Schir Gilbert Hay endit has he;
Timor Mortis conturbat me."¹

Sir David Lyndsay, in a passage which is similar in that it is after the manner of a list of the poets, writes:—

"Quintyn, Merser, Rowle, Henderson, Hay, and Holland,
Thocht thay be deid, thair libellis bene levand,
Quhilkis to reheirs makeith redaris to rejose."²

Of the facts of Haye's life we know little. He was of a noble name, and was possibly within tellable degree of the Earl Constable. Gilbert was a common name, how-

¹ "Lament for the Death of the Makaris," ll. 65-68.

² "The Testament and Complaynt of the Papyngo," Prolog, ll. 19-21.

ever, in the house of Errol, and therefore in time a popular one among the Hays of lesser families. Botfield¹ conjectures that Sir Gilbert was a son of Sir William Hay of Locharret. His grounds are not clear, but he states that no cadet of Hay of Errol at that date is known to have attained the rank of knighthood.

Sir Gilbert was at all events a Scot who had by no means lost his mother tongue. He was therefore, probably, educated in Scotland, which at that time meant St Andrews, so far as universities were concerned. In 1418—the earliest date when we should expect to find him there, if he was born, as we shall presently show grounds for supposing, within the first few years of the century, certainly not sooner—we find in the ‘*Acta Facultatis Artium Universitatis Sancti Andreae*,’ a Gilbertus Hay among the Determinants or Bachelors of Arts of that year; and in the next year, 1419, the same name, or, as it is put, Gilbertus de Haya, in the list of the admissions to the next degree—of Licentiates or Masters of Arts. Haya’s degree of Bachelor in Decrees was probably got in Paris. But as that degree seems to designate him a candidate for ecclesiastical orders, it must be supposed that he became a knight, if knight in our sense of the term he was, before he took the degree. A likely child of a noble breed had not to wait long for his knighthood in those days, and at the same time it is difficult to assume that he received the accolade of a secular knighthood after he had entered the priesthood,

¹ ‘The Buke of the Order of Knichthood’ (edited by B. Botfield, Ban. Club, 1847), Preface, p. xxv. Dr David Laing is generally credited with having at least supplied the facts for this preface. Parts of the preface contradict statements made by Laing elsewhere.

unless by some dispensation he had left the ranks of the Church, which we shall find presently he had not.

What Hays meant by the term "knight" may perhaps be disputed. It can hardly be supposed that he used it in its early sense of "servant," as the Pope calls himself "*servus servorum*." There was the intermediate meaning of "soldier," as in Chaucer, where Judas Maccabæus is called "Goddess knight," or in the passage in the MS. version of the New Testament, said by Dr Jameson (*Dict., sub voce* "Knecht") to be in the Advocates' Library: "Travail thou as a good knyghte of Christ Jesu" (2 Tim. ii. 3). It was probably in this sense, and not in derision, that the priests were first dubbed, as early as Chaucer's time, "the Pope's knights." At a later date (1552) we are told that in Scotland—

"The pure priest thynkis he gettis no rycht,
Be he noch styled like ane knicht,
As Schir Thomas, and Schir Wilyame."¹

The early meaning of "Sir," when prefixed to a Christian name and surname as a mere title of worship, had been forgotten.² On the introduction of the university title of "Master" as the everyday title for men who had obtained the degree of Master of Arts, the title "Sir" was, in Britain at least, relegated more to the laity; but its enhancement into a title of dignity reserved, among the laity, for knights, did not at once deprive the priests of the enjoyment of the title in its old sense. In the sixteenth century, if we accept the proofs adduced by

¹ Sir David Lyndsay's 'Poetical Works,' Laing's edition, p. 45 ("Ane Dialog betuix Experience and ane Courteour," ll. 4660-4663).

² French, *sire*; Ital., *ser*; Mod. Greek, *kur* (κύριος). A book might be written on the vicissitudes of titles of worship and dignity.

David Laing,¹ Masters of Arts alone were spoken of with "Master" prefixed to their Christian and surnames, and "Sir" was given to priests who had no such degree. But how soon the distinction became fixed, and "Sir" was held to be an inferior title to apply to a priest, is doubtful. Sir William Sinclair of Roslin, Justiciar of the Lothians, who flourished in the first half of that century, speaks of Bishop Landellis, who crowned and anointed Robert II. (1370-71), as Sir William Landellis.² Knight or not, Haye was entitled to be called "Master," if it were a higher honour than "Sir." But in the only three cases in which we find him designated by other people he is called "Sir," with no addition of "knight," and the people who did so must have known his usual title. Still it remains that Haye, who does not call himself by the coveted title of Sir—or Master either, for that matter—calls himself a knight.

French
service.

We have to cast about in order to find the date at which Haye probably arrived in France. By the date of the commencement of the 'Buke of the Law of Armys' we know that he was in Scotland again in 1456. The date of Sir Alexander de Sutherland's will,³ made at Roslin, in which he leaves Haye a legacy, enables us to say that he was there before the 15th of November of that year. According to the Taymouth manuscript of the 'Buik of Alexander the Conqueror,' about to be mentioned more fully, Haye's sojourn in France had lasted full four-and-twenty years. He must therefore

¹ Lyndsay's Works, *ut sup.*, p. 341.

² Note in Sinclair's handwriting at end of his copy of 'Extracta e Cronicis,' Adv. Lib., MS. 35.6.13.

³ 'Genealogie of the Sainteclaires of Rosslyn,' 4to, pp. 91-98.

have arrived in France not later than 1432. If he was the St Andrews graduate of 1419, he might have been in France in 1420. The Scottish noble youth were flocking then to France to join the Archer Guard which the reigning king's father had founded. A "Sir Gilbert de la Haye" appears on a list of the knights who accompanied the king (Charles VII.) to Rheims, and attended his coronation there on 17th July 1430.¹ Further down the same list of those who assisted that

¹ Forbes Leith's 'Scots Guards,' i. 43, and authorities cited there.

The king, who succeeded to the throne in 1422, had since been crowned at Poitiers in 1723.

Michel ('Les Ecossois en France,' i. 110, 111) says: "Le Comte de Mar prit part avec son monde à la bataille d'Othée en Hasbain, ou bataille de Liège, qui eut lieu le 23 Septembre 1407. L'auteur d'un ancien poème français, composé sur cet événement, se plait à mentionner—

'Et le bon conte de Namur,
Cil de maire et maint Escossoys.'

Il ajoute—

'De ceux qui là furent venu,
Des nobles Escossois y fu
En cestuy jour, que bien le sçay
Lors messire Guillaume Hay;
Messire Jacques Scringour
Fut en la bataille ce jour,
Et sire Helis de Guenemont.
.
Nouveaux chevaliers escossoys
Furent ce jour, j'en sçay la vois,
Pour leur prouesse, en grant renom.
Sire Alexandre en son droit nom
De Commech, qui ot cuer entier,
Ce jour y fut fait chevalier,
Et messire Andrieu Stievert
Fut chevalier de belle part,
De Hay Sire Guillebert
Fut ce jour en armes appert
Com bon et hardi combattant.'"

This last may be the Sir Gilbert who attended the coronation in 1430; but if our reading of a passage in the 'Alexander,' about to be quoted, is correct, he cannot have been the Sir Gilbert of the manuscript, who was then alive in 1499, or near it, and of course he was a generation earlier than the St Andrews graduate of 1418-19.

day is the name of a plain "Gilbert de la Haye." It is not clear from the account whether these Hayes were members of the Scots Guard or not; but they probably were. From the ranks of that guard the progress to higher Court preferment was relatively easy. But in any case Scotsmen were then in fashion; and at that Court, whether Haye was a guard or not, he became, as he tells us in his manuscript, chamberlain to "the maist worthy king Charles of France." Mackenzie,¹ who gives a slight biography of Haye, calls the king Charles VI., but he must have been that monarch's son and successor, Charles VII. Haye calls himself "chaumerlayn umquhile"—this is in 1456. The king, on the other hand, is not styled "umquhile," which Charles VI. had been since 1422; and he is styled "maist worthy," which Charles VI. had not been since 1400. A few more autobiographical details would have been welcome from the Scot who was at the Court of France during the reign which saw Joanne of Arc, the recovery of Normandy, the founding of the liberties of the Gallican Church, and the creation of a French standing army.

In Scot-
land.

In "the geir of our Lord a thousand four hundreth fyfty and sex" Sir Gilbert's French career was over, and he was back in Scotland in the service of "the worthy lord—William Erle of Orknay," and writing his only known prose work.

A priest.

It is a deed of that year which gives us our direct and undoubted evidence that Haye was a priest. The deed is the last will and testament and inventory, which has been already mentioned, of the goods of Alexander de Sutherland of Dumbethe. De Sutherland was the earl's

¹ 'The Lives and Characters of the Most Eminent Writers of the Scots Nation.' Edinburgh, 1722, vol. iii. p. 5.

father-in-law, and made his will at Roslin in presence of the earl, "Sir Gilbert the Haye," whose name comes next to the earl's, and of others whose names follow after. The last bequest which the will contains is: "Item, I gif and I leif my sylar colar to Sir Gilbert the Haye, and he to say for my saul ten Psalters."¹

How long or how constantly Haye was in the employ- A poet.
ment of the Earl of Orkney there is no saying, but at one time or another he wrote a long poetical translation at the request of the Lord Erskine. This, the only poetical work by Haye now known to us even by name, was 'The Buik² of Alexander the Conqueror.' Only a copy of part of a copy of this poem exists, and from it comes all our knowledge of the original. The copy does not say when the original translation was made, but from expressions in it by both the poet and the copyist we conjecture that the poem was written after the prose manuscript.

The dedication of the 'Alexander,' if the original, as well as the copy, spoke of Lord Erskine by that title, seems to eliminate from the possible dates of the work the period between 1438 and 1457, when there was no one in Scotland calling himself Lord Erskine. During these years the Erskines were claiming, and in part enjoying, the earldom of Mar; and though the king de-

¹ 'Genealogie of the Sainteclaires,' *ut sup.*

² This spelling is not Haye's. The Taymouth MS., alluded to and already mentioned, is a sixteenth-century transcript. The manuscript as a whole is as yet unprinted. The extracts which are here below given are from a short monograph, 'The Taymouth Castle Manuscript of Sir Gilbert Hay's "Buik of King Alexander the Conqueror,"' by Albert Herrmann, Ph.D., 4to, 23 pp.: Berlin, 1898. From Dr Herrmann's print we gather that the initial "u" and "w" are represented in the transcript by "v." As this was no part of the orthography of Haye's contemporary prose MS., we have replaced these letters in our extracts.

murred, and ultimately declared (in 1457) that the earldom had fallen into the hands of the Crown, no one in the Erskine employ was likely before that settlement to have called his master anything less than Mar. If the poem dates before 1438, it was probably done in the chamberlain's spare moments in France. Haye, however, will be seen, by the extracts now to be made from the extant copy, to have been in presence at least of his manuscript in 1499, assisting his first copyist to amend the blunders he had made in the deciphering or transcribing of it. Towards the end of the poem are certain lines which we take to be the poet's own:—¹

“Now is our buik brocht fastlee till ane end.
 Lovit be the Lord the drop of grace me send,
 The quhilk I askit at the beginning,
 To grant me grace to mak ane fair ending,
 Quhen I the making undertakin hade,
 For to fulfill the hecht that I haif maid,
 At the instance of the worthee lorde,
 As in the prologe we haif maide recorde,
 Quhair I maid promes for to do my best
 Quhill hand and pen, and tung and ene mycht lest.”

It is imprudent to lay stress on every phrase of a poet. One line for sense and one for rhyme was not entirely unknown among the poets in those days. Still the suggestion is that the poet was old. The manuscript continued with an interpolation of the copyists:—

“All this that follouis is bot the excusatioune
 Of him that maid the first translatioun ;

¹ It will still be kept in mind that it is from a later copy that we must quote.

Bot in this buik sone efter 3e sall se
 Quha causit this buik againe to wrettin be ;
 Quhair and be quhome, quhat tyme it wrettin was,
 In termes schort to 3ow I sall rehers.
 I will wret furthe befor me as I find,
 His excusatioune I will not leaf behind.
 Translatit it was forsuithe as I hard say
 At the instance of Lord Erskine be Sir Gilbert Hay,
 Quhilk into France treulie was duelland
 Weill tentye four 3eir out of Scotland,
 And in the king of Francis service was,
 Quhair of our awin leid he had mair distres
 Of conversatioune, cumpannie and collatioune.¹
 Treulie it is full great mereit
 Guid thingis for to be put in wret.
 Of this to spak now will I lait alaine,
 And to the translatour now will I pas again,
 Efter his wretting schortlie to conclude
 That this gret storie wricht² as he onderstuid.
 Richt sua he wret withe his awin proper hand,
 Was nevir befor translatit in this land,
 That is to say, out of the Frenche leid.
 Thus worthe war it hade a worthe weid."

The translator's exclamation that his task was ended
 has been noticed. The copyist now returns thanks for
 himself at the approach of the end of his labours:—

"Thankit be God ! now neir³ hand haif I endit
 This nobill buik, and pairt of faltis mendit
 Withe help of him that made the first indyt.
 There is na man withe out sum falt may wret."

¹ Dr Herrmann (p. 23) observes here, "A line seems to be wanting." It is unfortunately just where we might have found some autobiographical statement.

² "Wicht" in Dr Herrmann's print.

³ "Heir" in Dr Herrmann's print.

Sir Gilbert, then, was alive at the date of the first copy ; and the former line—

“Translatit it was, forsuithe, as I hard say”—

which rhymed with “Sir Gilbert Hay,” ended with four words which were there “for rhyme” only. The date of the copy at the correction of which Hays assisted is thus of biographical interest, and it is presently given ; but its lateness is surprising. It seems to be the copyist still who speaks :—

“Thus I begane in the lusty tyme of May,
And endit in August the ane and tentye day.
The same tyme that I this buik could end
Fra Christ the cours of 3eiris could discend
A thousand four hunderithe nynetie 3eiris and nyne,
Fra Crystis birthe are passit by sensyne.
The saming 3eir, the treuthe gif I sall tell,
Into this realme thair rang a pestilence fell.
Thair was na man that had into memor
That ever hard tell of sic ane plaige befor.”

The mention of the plague certifies us, if necessary, that there has been no miscopying in the date. The plague of 1499, which devastated England, and, as we find here, ravaged Scotland as well, was a visitation of the “Sweating Sickness.” It was so bad in Scotland that it obstructed the ingathering of the revenue. To escape it in England, the English king and Court took ship and fled to Calais.

The question is at first sight doubtful, however, if the date refers to the making of the copy or of the original translation. The date of the translation is apparently what the copyist promises when he says, “Quhat

tyme it wrettin was . . . I sall rehers," and the year 1499 is the only date he gives. It is then necessary to be able to say if the days contained between "the lusty month of May" and the 21st day of August are enough for the making of a metrical translation of the length of Haye's 'Alexander' or only for the copying of it. The literary year, as we learn from every Makar, began in the month of May, and we may suppose that the writer who began so large a work as the 'Alexander,' and with so pathetic a reference to his hand and eyes, &c., missed not a day but began on May 1. From that day till August 21, both days included, is a period of 113 days. We are told that the whole poem of the 'Alexander' is not now in existence,¹ but that we have about 20,000 lines in the part which is left. They occupy 229 leaves of manuscript. The copyist left 36 leaves blank for the missing portion—in other words, he left space for a fragment of 3000 lines. But as we cannot say for certain that he did so according to knowledge or any wise calculation, let us leave the missing lines out of our consideration for the moment, rewarding ourselves, however, for so doing by adding a unit to those that are left, and making the poem out to have contained 20,001 lines in all. On these suppositions the writer must have written on an average 177 lines a-day, Sundays included. With the ordinary foresight of these days of pine-torches in the hall and rush-lights in the chambers, and quarters for poets such that they were constantly up in the morning early, this writer had selected almost precisely the 113 longest days in the whole year—the literary year began

¹ Cosmo Innes reported two MSS. of it at the date of his 'Black Book of Taymouth.' But only one MS. is now forthcoming.

well! If, with the same forethought, he began and continued to work ten hours a-day, these hours would still leave him somewhat less than seven minutes in which to translate, versify, and write each couplet.¹

Haye's
handwriting.

The original translation of the 'Alexander' was written by Haye in his "awin proper hand," as we learn from the copyist, who apparently had some difficulty in reading it, and who cannot have been mistaken as to the fact of the writer, seeing that Haye himself was at his elbow. At the end of the copy of "The Lauis quhilkis Kyng William kyng of Scotland maid," which is part of the Cokburn MS.,² is a note consisting of the words, "Per manum venerabilis viri G. H." The handwriting of the note resembles that of Sir William Sinclair of Roslin, great-grandson of the Earl of Caithness, Haye's patron. If Haye left any autograph manuscript in Roslin library, Sir William was probably well acquainted with it; his notes scattered over Haye's prose manuscript, &c., necessitate this supposition. Beyond the note on the Cokburn MS., however, there is nothing to suggest that that manuscript was ever at Roslin. The Monynet MS. of Scots Laws³ belonged to Sinclair, as his signature testifies; but a library which, as we shall see, had several duplicates of Fordoun, may easily have had several collections of the Scots Laws, all the more that the owner was a Justiciar.

The handwriting of the manuscript of his prose trans-

¹ Dr David Laing's conclusion was that the existing imperfect manuscript had been "transcribed some time before 1579 from a copy written in 1499, which was probably also imperfect."

² Adv. Lib., MS. 25.4.14, described, and to some extent used, in the Record edition of the Acts of the Parl. of Scot., vol. i.

³ Adv. Lib., MS. 25.5.6.

lations is not Haye's; for while Haye declares himself to have been the translator, the writing bears marks of dictation. There are passages, for example, where a few words of the French original—something less than a sentence—has slipped into the text, followed immediately by its equivalent in Scots. The duplication has been made as a matter of course, and then left uncorrected. To make a mistake of this sort it takes two people, and one of them a machine. The translator, looking at the French before him, reads by inadvertence a phrase partly aloud, then begins his intended dictation. The scribe takes down what he hears. The translator does not know that the French is in, and the scribe does not know that it should be out. But the principal evidence that the manuscript is the work of a scribe lies in the smooth mechanical uniformity of the writing.

Who the scribe was we do not happen to be able to suggest. We have not been able to identify his handiwork with that of any of the known scribes of his period whose writings we have met with. From his manuscript we may conclude that he was more at home in French than in Latin, that he was not always much interested in his task or that Sir Gilbert was sometimes most ungrammatical, that he was by no means an old man, and that he certainly was a Scot. The scribe.

Our meagre biographical note of Sir Gilbert the Haye is finished, and some of it is only surmise. If it is in the main correct, he lived a long and varied life—a Scotsman and Frenchman, soldier and priest, linguist and poet.

3. THE FORTUNES OF THE MANUSCRIPT.

Roslin
Library.

The magnificent lord who ordered Haye's translations to be made was probably the possessor of a library. Whether the fire, which broke out in his castle upon the feast-day of St Leonard (November 6) 1447, and burnt, with other parts of it, the charter-room, destroyed any books, we are not informed; but we learn that on that occasion the Earl said he was sorry for nothing save the loss of his charters and writings; and that he was so relieved when he learned that his chaplain (Sir Gilbert?) had saved these treasures that he "became chearfull," and told the Countess "to put away all sorrow; and rewarded his Chaplain very richly."¹ Haye's prose translations were made some years after the fire. As they were made at Roslin, their French originals must, in Haye's time at least, have been at Roslin too—viz., Bonet's '*Arbre des Batailles*,' the '*Ordre de Chevalerie*,' of unknown authorship, and the '*Gouvernaunce des Princes*,' attributed then to Aristotle.

The "Cupar" manuscript of Fordoun's '*Scotichronicon*' (Adv. Lib., MS. 35.1.7), if we may believe the statement attributed to Father Richard Hay in 1777, was for a time at least in the Earl's possession.²

¹ '*Genealogie of the Sainteclaires*,' p. 28.

² Hay, who calls it the Hay Book (*codicem meum Hayanum sive Cupraecum*), doubtless from its having been latterly possessed by members of his own family, says that among all the copies of Fordoun made by the canons of Inchcolm "my Hay Book holds the first place. It was transcribed in the seventeenth year of James II. by Peter, once a canon of that island; was bought from William, Earl of Orkney and Caithness, at a great price, and conveyed to Coupar-Angus in the year 1445." These dates of

The Rev. Dr Lawlor has catalogued twelve extant manuscripts and a printed book which, mainly by the identification of the signatures which they bear, he shows to have been part of the library at Roslin in the time of the earl's grandson and great-grandson.¹

Six of these books came to Roslin, almost certainly at or about the year 1565, on the death of Henry Sinclair, once Dean of Glasgow, and afterwards Bishop of Ross;² but four or five of the rest may have been there much earlier—thus (1) the fourteenth or early fifteenth century MS. of the New Testament in English,³ which bears, in our opinion, the undoubted signature of Sir William Sinclair, who was of Roslin from 1515, or so, to 1540. (2) A copy of Bede's 'Ecclesiastical

course do not tally; the seventeenth year of James II. began only in 1452. Hay then says that Sir William St Clair, who flourished in the time of the Reformation, rescued the book from the spoilers of the Abbey of Coupar-Angus, and conveyed it to his castle of Roslin, where it remained till Monk reduced that place in 1651 (1650). Sir William's signature is certainly on the book; the words "liber monasterii beate Marie de cupro" are also on the book. But it is not too great a liberty to take with Father Hay to suggest that the book was once at Roslin, not twice; that it was bought by the Earl from Coupar at the great price, and that it remained at Roslin, like Haye's Prose MS., and like it descended to Sir William. (Prefatory note by A. B. Bibliothecarius to 'Scotichronicon,' Adv. Lib., MS. 35.1.7; 'The Library of the Sinclairs of Rosslyn,' by the Rev. Dr H. J. Lawlor, Proc. Soc. Scot. Antiq., 1898, pp. 91, 92, 104.)

¹ 'Library of the Sinclairs,' as above.

² They are: 1, an abridged 'Scotichronicon' (Adv. Lib., MS. 35.6.7); 2, another (Adv. Lib., MS. 35.6.8); 3, The Whytbank (now "Largs") MS. of the 'Scotichronicon'; 4, 'Extracta e Cronicis Scocie' (Adv. Lib., MS. 35.6.13); 5, Wyntoun's Chronicle (British Museum, Lansdowne MS., 197); 6, 'Claudii Ptolemaei Alexandrini Philosophi cum primis eruditi de Geographia libri octo. . . . Parisiis, apud Christianum Wechelum. . . . MDXLVI' (in the possession of the Rev. A. T. Grant).

³ Bodleian Library: contained among other things in Fairfax, II. Was presumably in Scotland before 1538.

History.'¹ (3) A copy of Fordoun's 'Scotichronicon.'² (4) The Roslin Missal.³ (5) Haye's Prose MS.⁴ The list does not pretend to be exhaustive, and other works, such as James Monynet's MS. of the 'Regiam Majestatem,' &c., written in 1488,⁵ might be added to it.

The earl for whom Sir Gilbert wrote divided his lands and dignities among his sons; and Sir Oliver, who was apparently the second son of his second marriage, received all the territories which lay south of the river Tay. Of these Oliver eventually found it best to resign a part in favour of his eldest (half-) brother, William Lord Sinclair; but among the residue of lands and castles which he retained was Roslin, and through him continued the distinctive Roslin branch of the great Sinclair stem.

Oliver's first charter of Roslin was obtained in his father's lifetime, in 1476; and his brother's deed resigning all claim on that residue was dated 1485.

Sinclair
signatures.

We may suppose that with the castle went the library. Certainly Haye's Prose Manuscript went. On the lower margin of its first folio (included in the portion reproduced above, p. xxii) is the signature "Oliv^r Sinclar of Rosling Kny^t"⁶: it is repeated on the blank end leaf

¹ Bod. Lib., Fairfax, 12. ² Adv. Lib., MS. 35.1.7. See note 2, above.

³ Adv. Lib., MS., 18.5.19.

⁴ Dr Lawlor gives the date of Dean Gwld's translation on the last folio, 1554, as the date of the volume, not having penetrated to the earlier date in the body of the book, and makes Sir William of the same date its first certain Sinclair owner.

⁵ Adv. Lib., MS. A.1.28 described, and utilised in Record Ed. of Acts of Parl. of Scot., vol. i.

⁶ This signature is reproduced also in Dr Lawlor's valuable monograph already mentioned, but without being deciphered or identified. For attempting to do either of these last we must accept the responsibility.

at the end of the book. This is the earliest signature in the book, and earlier than any Sinclair signature on any of the remains, presently known, of the Roslin library. Both copies of it have been written on the same occasion apparently, with the same pen, and the same black ink or pigment now grey with wear. Sir Oliver not only certified that the book was his, but read it, as sundry marginal notes in the same bold irregular writing and the same ink remain to testify.

Sir Oliver died at or about the date of Flodden. His eldest son George had predeceased him, and by his wife, Agnes, daughter of Patrick Crichton of Cranstoun Riddell, had left no son. William, the next son, succeeded.¹

The next evidence of the possession of the book is contained in the signature which it bears on the blank leaf at its beginning, where, across the page in a drooping line, beginning with a large untidy capital, runs the legend, "In Domini nomine, Amen, Wellelmus Sinchler of Rosleng Kny^t." We may identify this with much certainty as the writing of Sir Oliver's son and successor, William, second of Roslin. Dr Lawlor² reproduces three undoubted signatures of this Sinclair from charters which he inspected at Penicuik House. The writing varies in each case, as is natural with writing of its class; but when the signature already mentioned on the MS. of the New Testament is compared with them and that on Haye's MS., and one on a bond of man-rent to the queen dated in 1546,³ there is no doubt left that they are all the work of one man. Wil-

¹ Reg. Mag. Sig., 11 April 1510, xvii. 26.

² *Ut sup.*

³ Gen. Register Ho., Edinburgh.

liam can scarcely have been a minor at his grandfather's death,¹ but his dated signatures are scattered over a period of more than thirty years—1518-1549.²

The signature next in order is abundantly certified. It is "W. Santclair of Roislin Knecht," the signature which appears below Sir Oliver's in the photograph at p. xxii. While it has a family resemblance to his father's, it contrasts with it in its regularity and precision, and in the rippled lines which generally accompany it, though not in the photographed instance. It is the signature of the last Sir William's son, third of Roslin, Justiciar of Lothian,³ and husband of Isobel, daughter of Ker of Cessford. It may be identified without our going beyond the book for the proof; for on the inside of the last board it recurs as "W. Santclair of Roislin. K. — geir of God i. v. lxii," and inside the first board as "W. Santclair of Roislin, Knecht, anno lxv."⁴

The Justiciar inherited something at least of a library and augmented it.⁵ His books were often in his hands. One at least of his four or five copies of the 'Scoti-

¹ His marriage was granted to Bishop Forman of Flodden blame, a Berwickshire man, who married his relative Alison, daughter of Patrick Home of Fast Castle, to the youth in 1526.

² Dr Lawlor, *ut sup.*

³ 'Genealogie of the Sainteclaires,' p. 139.

⁴ With the rippled lines in these cases. In another set of his signatures, in red ink, scattered through the book, he omits the word "Knecht." This might be thought to show that they are the earlier signatures, but their other characteristics do not support the assumption, and his writings made in the 'Extracta e Cronicis,' now in the Advocates' Library (MS. 35.6.13), dispose of the idea. Passages there in the black ink of his "Knecht" signatures are enclosed in lines drawn in the red (*e.g.*, fol. 38 *dorso*), and there is a red signature with the word "Knecht" (fol. 3).

⁵ Largely with the library of his deceased cousin, Henry Sinclair, formerly Dean of Glasgow, and latterly Bishop of Ross. See Dr Lawlor, *ut sup.*

chronicon' he largely annotated, and the pages left blank by the scribe at the end of the 'Extracta e Cronicis Scotiæ' (Adv. Lib., 35.6.13) are entirely occupied with his notes. It is clear that he read Haye's Prose Manuscript with care. Most of his attentions have been devoted to the first part of it—the 'Buke of Batailles.' His notes are usually for the purpose of drawing the eye to passages which he thought important, but in one or two cases he makes additions to the text. In one place, for example, he fills in the mnemonic verses containing the names of the Seven Electors of the Emperors. In relation to this matter of the Emperors' election he writes the long note on the half-leaf which is inserted at the beginning of the book.

The manuscript experienced at Sir William's hand a peculiar kind of marking of passages which attracted his notice. He not only dealt largely in underlinings—mostly in the red ink which he had after a time adopted—but through long passages he drew red lines perpendicularly 'or diagonally, a single line at a time, through a sentence or sometimes a passage equal to a paragraph.

If we judge by the contents of the manuscript at these places—they are mostly toward the end of the 'Buke of Batailles'—he can hardly be supposed to have meant his lines for marks of disagreement. If he meant merely to use a simple method of drawing attention to the passages which he apparently scored out, it is curious that he did not draw the lines down the margin. The only other case that we know of, of marking which is at all similar, is that in Domesday Book, where the

names of places which are intended to be prominent are marked with a red line, which runs horizontally through the word.¹ It may, however, be that Sinclair so marked the passages which he failed to find in some other copy of the book, possibly in French. That there were such copies of an abridged kind we know. The French manuscript in the Edinburgh University Library is one of them. It, however, contains some at least of the passages which are scored through in Haye, and many much more condensed than those which he let alone. Roslin library, which at that time possessed four or five manuscripts of the 'Scotichronicon,' may easily have contained more than one copy of the 'Arbre des Batailles.'² Indeed it may be thought that there are evidences that Haye compiled his Buke of Battles directly from two manuscripts.

It was for this Sir William that Dene Thomas Gwld made his translation of the Bishop and Chapter of Orkney's genealogical certificate, which Sir William, if we judge aright, himself copied out in the last folios of Haye's volume. The account of the Procession at Antwerp, there too, seems also to be in this Sinclair's writing. And it is to him that we somewhat timidly ascribed the note in the Cokburn MS., "Per manum venerabilis viri G. H."³ The Justiciar died about the beginning of the year 1585; his will was registered in Edinburgh on the 10th February of that year.

Haye's manuscript descended to the Justiciar's son

¹ Sir Duffus Hardy considered Domesday Book unique in that respect.

² As we have also suggested, it may have had several copies of collections of the Scots laws.

³ Gilbert Haye? *Ante*, p. xxxiv.

and heir, William 4th of Roslin, who married Janet, daughter of Edmonstone of that ilk, and whose stilted signature (on fol. 2) on a great scale reads "D[ominus] Sinclair of Roisling."¹ The same signature appears on the 'Extracta e Cronicis,' along with the date "1591/2/January," and is found appended to charters dated 23rd July 1585 and 22nd January 1610.² It is the earliest Sinclair mark on the 'Roslin Missal.'

There is no certain mark of the possession of the book in the time of the next laird, William, who married Anne, daughter of Archbishop Spottiswood.³ But there occurs twice, and in both cases upside down, a weak signature which begins with a long flourish, and runs "William Sinclair of rosling." It may possibly be the writing of the son of William and Anne. He is said to have died abroad in his father's lifetime without issue.

Roslin remained in the hands of its old lairds till 1723; but the signature last mentioned is the last Roslin-Sinclair mark on the manuscript.⁴ It is in the time of the Archbishop's son-in-law that we have the first evidences that the Roslin books were being scattered.⁵ Several of them, still extant, have the mark of having been in the possession of Sir James Balfour of Denmilne, Lyon King of Arms, and greatest book-collector of his day. Balfour's acquisition of these books may be dated about the year 1629 or 1630. Some of the Sinclair

Later
owners.

¹ MS., fol. 2, foot, margin.

² Dr Lawlor, *ut sup.*, p. 95.

³ A facsimile of his signature "S[ir] W. Sinclare," date 11th December 1618, is given at p. 96 of Dr Lawlor's monograph.

⁴ There occurs, near the edge of each of the boards, a small neat signature, "Mr J^o Thomsone." It is in the style of the sixteenth century, and appears to be as early as those of some of the later Sinclairs.

⁵ The Laird of Roslin of those days was a rake and a spendthrift.—Dr Lawlor, *ut sup.*, p. 112.

MSS. may have remained at Roslin till General Monk sacked the castle in 1650. This has been asserted of the Coupar MS. of the 'Scotichronicon.'¹ Haye's manuscript bears no Denmilne mark, nor any record of its fortunes at this time, unless the injuries to its binding may have been received during the sack. We cannot tell when Haye's manuscript left the possession of the Sinclairs; but somewhere in the seventeenth century it fell into the hands of a family of the name of Curry. The words, "James Cury Indwellar in Creland these," occur on one of its pages in writing of that century. Two generations of James Cury, Cuury, Courey, Courry, or Curroy, had the opportunity to scribble their uncertain name, and sums and things, over the book with an idleness and irreverence never shown by the old Sinclairs. And the younger Curry had companions who wrote their names there too with James Curry, junior's, pen, if indeed he did not sign for them; their names are George Cranstone and L. Borthwick.² The Currys have left no evidence that ever they read the book.

In addition to these names there is a scrawl on folio 1, which may perhaps read "Duncan Gillesse." It may be a signature; if not, it may relate to the rudely drawn figure of a knight, booted and spurred, beside it—a heavy ink blot which has sunk almost through the paper, and part of which somewhat spoils the appearance of the photograph of the manuscript on the other side which forms our illustration at p. xxii.

Haye's manuscript cannot have been long out of the

¹ Father Hay's, note, Adv. Lib., MS. 35.1.7. See Dr Lawlor, *ut sup.*, p. 92.

² Fol. 36.

clutches of the Currys ere it came into the hands of the first person, after the Justiciar, who certainly made some use of his possession—namely, Dr George Mackenzie, author of the ‘Lives and Characters of the most Eminent Scots Writers.’ Mackenzie does not say how he acquired the book. It may have returned to the Sinclairs before he got it, or it may have been shown to him on account of his father’s Sinclair alliance, as well as his own reputation as a biographer.¹ Colin Mackenzie, third son of George, second Earl of Seaforth, married twice—firstly, the youngest daughter of Sir William Sinclair and Dame Anne Spottiswood; and secondly, Jean, daughter of Bishop R. Lawrie of Brechin. Dr George and a brother were the sons of one of these marriages.

Dr George
Mackenzie.

At the outset of the third volume of ‘The Lives’ Mackenzie gives a “life” of Sir Gilbert Haye, and states that the manuscript was then (1722) in his possession. From the use he makes of it in that volume one is apt to think that if he had possessed the manuscript in 1711, the date at which he published his second volume, he would have used it then. We may therefore conjecture that he acquired the volume between these dates. Dr Mackenzie closed his chequered career at Fortrose on 28th November 1725.

The next information concerning the manuscript is to be found in an appendix to the Rev. Dr Barry’s ‘History of the Orkney Islands,’ the first edition of which appeared in 1805.² The History contains both the orig-

¹ He had published two volumes of his *Lives* (vol. i. in 1708, vol. ii. in 1711) some years before 1722, when he made use of his acquisition.

² 4to, p. 404; 2nd ed., 1808, 4to, p. 410.

inal Latin and Dean Gwld's translation of the Bishop of Orkney's letter; and the title of the appendix which contains the translation is entitled thus:—

“Dean Gule's Translation of the foregoing Deduction of the Orkney Counts, transcribed from the Original Copy bound in with Dr Bennet's Book of Battles, a MS. originally belonging to the Family of Roslin, the Second Page being subscribed by William Sinclare of Roslin, at whose desire the Dean says this Translation was made. It afterwards fell into the Hands of Dr George Mackenzie, who in the Beginning of the Third Volume of his Lives mentions it at large. . . . The late Mr James Mackenzie had the MS. from Hildin, Dr George's Nephew; which he again gave to the Lord Sinclare, who promised to lodge it in the Advocates' Library, Edinburgh.”

“Hildin,” from the manner in which Barry uses the word, is the name of the “nephew's” lands. But, so far as we can find, Dr Mackenzie had no nephew. At his death his and his only brother's lines became extinct.¹ We may therefore suppose that ‘Hildin’ meant his cousin, Mackenzie of Kildin, descended from his father Colin's next elder brother.

In the MS. annotations, added in the unrecognised handwriting of some Orkney scholar to his copy of Wallace's ‘History of Orkney,’ a book published in 1700, is a reference to the Latin original of the Bishop's letter, which was “In a quarto MS. I had from Kildin out of Dr George [Mackenzie]'s Library.” The late Dr Small of the Edinburgh University Library thought that this annotator, whose notes he printed in his edition of

¹ ‘History of the Mackenzies,’ by Alexander Mackenzie, 1879, p. 205.

Wallace (Edinburgh, 1883), might have been Malcolm Laing, the historian.¹

Kildin, then, gave Haye's manuscript to Mr James Mackenzie, who in turn gave it to the Lord Sinclair.

Henry Lord Sinclair² died in 1723, two years before Lord Sinclair.
Dr Mackenzie. His eldest son, John, Master of Sinclair, being then under sentence of forfeiture for complicity in the '15, the Sinclair honours and estates devolved on his second son James. In the session of 1735-36 John (or James for him?) procured a parliamentary release from the disabilities entailed on him by his forfeiture.³ James thereupon gave up to him the family estates; and he enjoyed them till his death in November 1750. John was never restored to the title, which had already passed to James. James, who rose to the rank of lieutenant-general in the British army, survived till November 1762, and for the second time inherited the Sinclair estates—this time from his brother—but he never assumed the title; and after his death the peerage was not again exercised till 1782, when it had been for two generations in the right of the house of Herdmanston.

The date of Barry's book—1805—suggests that the precious manuscript was presented to the Lord Sinclair of that day, or at least one of the lords of the Herdmanston house. But the manuscript itself at this point resumes its assistance. On the inside of the first board of the book are the remains of a book-plate of the early

¹ It cannot have been Barry, who was born (in Berwickshire) only in 1748 (Scott's *Fasti Ecc.*, v. 379).

² His number is at present unsettled. Wood's 'Douglas' calls him the seventh lord; Burke, who called him the eighth, now says tenth.

³ 9 George II., Private Act 28.

Georgian style. The plate has been pretty effectually scraped off, but the scraps which remain coincide with the corresponding parts of a book-plate, which we conclude was that of Henry Lord Sinclair already mentioned, and which was also possibly used by his son the forfeited Master during his brief reinstatement in his father's inheritance. Even before the passing of the Act of 1735-36 the Master was living openly at the family seat of Dysart, in Fife, administering the family estates and calling himself Lord Sinclair.¹ And in the Edinburgh Register of Testaments, where his will was recorded on 29th July 1752, he is called John Sinclair of Sinclair, commonly called Lord Sinclair. In the circumstances it should be explained that the plate consists of a complete heraldic achievement. It contains the shield and supporters of the Lords Sinclair, with a baron's coronet, peer's helmet with mantlings, and crest—a swan rising from its nest. The motto—*Fide sed Pugna*—is in the compartment under the shield, in which also, under the motto, is the word "SINCLAIR." The crest and motto, and the fact that the book-plate is found on other books from the Dysart House Library, prove the plate to have belonged to the old stock. The plate also proves itself to be earlier than the General's book-plate, by providing the explanation of some of the peculiarities which the latter plate exhibits. The General used a book-plate which comported with the part he played in the family. It is a copy of the plate we take for his father's, with the exceptions that the helmet is

¹ *E.g.*, in a letter signed "Sinclair," dated "Dysart, 31 Dec. 1730," addressed to Sir John Erskine of Alva, and arranging to lend some colliers. (Letter in the possession of the Rev. Robert Paul, Dollar.)

altered into a compromise between a peer's and an esquire's; the coronet is omitted; the crest, helmet, and mantlings remain raised above the shield as formerly, and, to fill the space thus left by the omission of the coronet, two straps are inserted, by which the shield and its supporters, and their compartment as well, seem to hang suspended from the helmet. Instead of the word "SINCLAIR," are the words "JAMES SINCLAIR of SINCLAIR Esq." The use of the legal designation "Esquire," with or without the words "the Honourable," was not uncommon at that time among the sons of peers. It was used also in designating officers in the army, both with and without the title of their rank. The General's plate is clearly an adaptation from the other; it is, on an attentive comparison, also distinguishable from the other by the inferiority of its execution.

We thus conjecture that the Haye manuscript was presented by James Mackenzie to the reinstated Master, "commonly called Lord Sinclair," somewhere after 1730, the earliest date at which, so far as we know, he was back at Dysart, and probably not long before 1750, the date of his death.

It is not difficult to imagine why Mackenzie should have presented Haye's manuscript to the representative of the House of Sinclair, who was the eldest male representative of the earl for whom it was originally written, and whose brother the General had come, in 1739, by purchase into possession of the castle and estates of Roslin.¹

¹ As "Colonel James Sinclair, second son of the deceased Henry Lord Sinclair," he obtained a charter of resignation of Roslin on 12th February 1739. Reg. Mag. Sig., xcvi. 103.

Sir Walter
Scott.

Dysart on the General's death went through the female line into the hands, in quick succession, of Pattersons, Wedderburns, and Erskines. But we know nothing of the wanderings of Haye's manuscript till Dr David Laing finds it in the library at Abbotsford. Sir Walter Scott either had not the book or did not know what was in it when, about the year 1818,¹ he wrote his notice of Roslin for the 'Provincial Antiquities.' On the other hand, the library of which the manuscript is a part was completed in 1826. That is the latest date at which the book can have reached Abbotsford. If the former date is probably earlier than its arrival there, the announcement or publication a few years after of these essays on Antiquities may have been the means of inducing the possessor of the manuscript to present it to their author.

When Lieut-General Sinclair died he left his sister's son, Colonel James (Patterson) Sinclair, his heir. When the Colonel died the estates went to Sir James Erskine; but he left his personal property to his grand-nephew, John Anstruther Thomson of Charlton, who was one of Sir Walter Scott's intimates. From 1816 onward they met frequently in the small company of friends which called itself the Blair Adam Club.² Scott had been at Charlton when the club met there. It would be pleasant to think that the manuscript came into Sir Walter's hands by way of gift; and it is not unreasonable to suppose that Thomson, if he had it in his power, should have presented the great curioso with so unique a relic.

The obliteration of book-plates when books changed

¹ Lockhart's 'Life of Sir Walter Scott,' vol. iv. p. 220.

² Thomson was son-in-law to Chief Commissioner Adam of Blair Adam.

hands was the rule in those days. It was only a kind of process of "cutting of the evidents"; for the book-plate then, and indeed till within quite recent years, was merely a mark of ownership and of no value in itself.

It is not known if Sir Walter ever examined his treasure, and the manuscript slept at Abbotsford till Dr Laing received a copy of the catalogue of that library (printed in 1838), and by its title there—"Here begynnis the buke callit the Buke of the Law of Armys," &c.—thought he recognised the book described by George Mackenzie, and since believed to be lost.¹

The manuscript then entered upon a new period. Dr Laing superintended the printing of the second work which it contains, the 'Buke of the Order of Knichthood,' for the Abbotsford Club. The volume was issued in 1847, and contained, besides the 'Buke of Knichthood,' sundry extracts from the 'Buke of the Law of Armys' and the 'Buke of Chevalerie.' It contained also a preface which was signed and probably constructed by Beriah Botfield of Norton Hall, the donor and at least nominal editor of the print; the facts of the preface are supposed to have been supplied by Laing. This is the extent to which any print has hitherto been made of the principal contents of the book. Of the minor contents of the book, the letter of the Bishop and Chapter of Orkney was, as we have seen, inserted in an appendix to Barry's 'History of the Orkney Islands.' It appears also in parallel columns with its Latin original in the Bannatyne Miscellany, iii. 65.

Prints
from the
MS.

¹ See 'Buke of the Order of Knichthood,' Preface, Abbotsford Club edition, and Laing's notice of Sir Gilbert Haye in the Introduction to his ed. of Dunbar's Poems, i. 42.

The greater portion of the book, which is also its earliest and most important part, has somewhat unaccountably been hitherto passed over. The fragment issued to the members of the Abbotsford Club under the title of 'The Buke of Knichthood' is both rare and dear. It seemed desirable to obtain a complete and consecutive print of the whole manuscript; and it is thus that, by the leave of the Hon. Mrs Maxwell-Scott of Abbotsford, the Scottish Text Society now reproduces the earliest Scots literary prose work—certainly the earliest dated prose work—for the first time in its entirety.

4. THE PLACE OF HAYE'S MANUSCRIPT IN EARLY SCOTTISH PROSE.

Chronological place.

Few are the remains, few even the records, of the vernacular prose literature produced by Scotland before the end of the fifteenth century; even along with the vernacular books and chapters which we find in the early collections of the Laws, the list is not long.

It begins with "The Bute Manuscript" of laws, written probably in the latter half of the fourteenth century, and described and used by the compilers of the Record Edition of the Acts of the Parliaments of Scotland.¹ The manuscript contains twenty-five pieces, of which an important six are in Scots, namely—13°, "Chalaynge of Transgression," and "The Fourme to mak clepe, and cal apon brekyng of proteccyon"; two chapters: 19°, "Leges Burgorum Scocie"; 114 chapters—a "fine

¹ Vol. i. p. 183; Prefatory "Notice of Manuscripts," pp. vii-ix.

ancient version of the Burgh Laws much used by Skene, who refers to it in his first MS. (Adv. Lib., MS. A, 3, 16)¹ under the description of *Liber Scoticus*":² 22°, "The Assise of brede and the payse eftyr the price of the qwhete thrw the aulde assise of Kyng David": 23°, "Of custum": 24°, "Of law and the custume of schippis": 25°, "Of wecht in Flandrys, and reknyns be the price of the mone."

Along with the Scots portions of the Bute MS., we may take into consideration the wills, indentures, and other legal deeds of the same period.

The appearance of the language in such documents of precision indicates that a considerable fixity in the forms and meanings of its words and phrases had been already conceded by the learned—presupposes, in fact, a respectable body of Scots prose literature in the fourteenth century.

These laws and legal documents are not mentioned here, however, merely as an evidence of an anterior literature, but as specimens, more or less cramped and limited perhaps, like most specimens, of the literature of their own day. We cannot exclude them from such a survey as we should exclude the work of the Parliamentary or legal draughtsman from the general literature of to-day. The language had not lasted long enough, or the subdivision of labour had not proceeded far enough, to result in the creation of a separate technical language of the law.

In the Priory of St Andrews, perhaps about the year 1413, there was "an old book, written in the ancient dialect (idiomate) of the Scots." It was the book from

¹ Now numbered 7.1.10.

² "Notice of Manuscripts," *ut sup.*, p. ix.

which the extant *Memoria* of the benefactions to the Priory of Loch Leven were derived.¹ We might expect notices of many such old Scots books in the Inventories of the old church libraries, but the absence from these of titles which indicate that the books they represent were written in Scots is almost uniform. Even if we suppose that Wyntoun and Barbour were better served, and that Scottish books lurked here and there behind such titles as "*Nomina regum Scotiae, et Pictorum*"—a list said to have covered three or four folios—or "*Relatio quo David, filius Roberti regis factus fuit miles A° 1331*,"² the pre-Reformation Church never possessed much vernacular literature.

It may have existed, however, in good amount in the houses of the laity. Wyntoun's metrical chronicle was written at the instance of a layman—"Schir Jhone of the Wemys." Haye's three prose translations were made, as we have seen, for the Earl of Orkney and Caithness, and his '*Alexander*' for the Lord Erskine. Ireland's treatise—to be mentioned anon—was written for, though not at the command of, King James IV.; and Bellenden's translation of Boece was made by command of James V. Earl "Bell-the-Cat," according to Sir Walter Scott, thanked St Bothan that none of his sons save Gawane could "pen a line." But it has been pointed out that his sons could at least sign their names,³ and his own signature is sufficiently regular to be one of the best known and most easily recognised of his time.

The energetic letter by the Earl of March in 1400,⁴

¹ '*Liber Cartarum Prioratus Sancti Andree*,' p. 113, and Preface, p. xiv (Bannatyne Club, 1841).

² *Ibid.*, p. xxvi.

³ The Douglas Book, 1885, ii. p. 106, note 3.

⁴ 18th February 1399-1400. Nat. MSS., ii. No. liii.

and that of James of Douglas in 1405 (?),¹ both addressed to Henry IV., King of England, are enough to show that the members of their order in the fourteenth and fifteenth centuries were familiar with Scots as a written language, and deemed it fit for use on the greatest occasions. It "ys mare clere to myne understandyng than latyne ore Fraunche," wrote the Earl.

The fact that the laws which they largely administered were frequently written in Scots is another proof that the governing classes of the laity were conversant with the language of the people. Of the fifteen or perhaps sixteen fifteenth-century collections of laws, described by the compilers of the Record Edition of the Acts of Parliament, at least five are partly in Scots, a sixth is wholly, and a seventh almost wholly so.

The register of all general legislation by Parliament from the reign of James I. onward has been in Scots, if we may judge without having actually the original record of the earliest parliaments. And so were the decisions in Causes and Complaints by the Lords Auditors, and the Lords of the Council.

Still it happens that Sir Gilbert Haye's prose translations, dating six years after the middle of the fifteenth century, are the earliest extant dated Scots prose which is not either a legal document, a law, or a letter.

John of Ireland's prose writings—those three of them which were written in Scots—follow Haye's. The first and second of them, as Ireland himself says in the third, in 1490, were, "twa bukis I maid befor in the castell of Edinburgh in this langage, the first lentryn that I preichit in this toune. Ane is of the Comman-

¹ In Pinkerton, i. App. viii., Nat. MSS., ii. No. liv.

dementis and uthir thingis pertenant to the salvacioun of man. The tothir is of the tabill of Confessioun." Both of these books are most probably lost.

The third of Ireland's works has fortunately been preserved;¹ it is a treatise on the principles of the Christian faith, with much practical advice and exhortation, addressed to King James IV., and written in Edinburgh in the year 1490. Unlike Haye's manuscript, it is avowedly an original composition, and in that respect is the first of its kind in Scots.

Ireland, who was a priest, seems to have thought himself somewhat of a literary innovator. He firstly defends himself for writing in prose, as if a book for a layman was expected to be a ballad. And he afterwards repeatedly talks as if he felt it necessary to apologise for writing the book in the vernacular, or, as he sometimes, perhaps always, calls it—English, instead of in "the tounge that I knaw better, that is Latin." He explains that he had been "thretty yere nurist in Fraunce, and in the noble study of Paris in Latin tounge and knew nocht the gret eloquens of Chauceir, na colouris that men uses in this Inglis metir that gret clerkis makis na counte of."

After, if not along with, these works of Haye and Ireland, we may place several minor prose works—'The

¹ Ireland's MS. (Advocates' Library, MS. 18.2.8). Although this hitherto much neglected MS. will doubtless be printed at no distant date, the fullest notices of it and its author, as yet available, are in two articles by the present writer—viz.: "The Earliest Scottish Original Literary Prose (?)"—*John of Ireland's Manuscript*"—*Scottish Antiquary*, July 1900, vol. xv. p. 1, and "The Scots Version of the Poem 'Moder of God'"—*Scottish Antiquary*, January 1899, vol. xiv. p. 111.

Craft of Deyng,' 'The Wisdom of Solomon,' and a curious piece on the "vertewis of the mess."¹

"The Spectakle of Luf," a real or pretended translation from the Latin, states in its colophon that it was written by G. Myll at St Andrews in July 1492. The only known manuscript of it is contained in the Auchinleck Manuscript, and is supposed to date from 1515 or thereabout. There is more evidence of the transition period in the language at the end than in the other parts of the piece.²

In the same Auchinleck Manuscript is "Ane Schort Memoriale of the Scottis Croniklis for Addicioun."³ It is concerned with the reign of James II. (1436-37 to 1460), and has been said to belong to that period. The text, however, as we have it, belongs to the later transition, showing more of its influence than does the "Spectakle" just mentioned. It is unnecessary for our purpose to extend the list for the purpose of including the works of the sixteenth century. For these Sheriff Mackay's useful catalogue may be consulted.⁴

To assign to Haye's manuscript a definite linguistic place is more difficult. It belongs to the period when the definite article or demonstrative adjective "a" was still the rule before consonants.

Linguistic
place.

The manuscript belongs also to the period when the

¹ MS. KK. 1. 5, Cambridge University Library, part 6; printed for the E.E.T.S., under the title of 'Rate's Raving and other Moral and Religious pieces in prose and verse,' ed. by J. Rawson Lumby, M.A., 1870.

² Printed in Bannatyne Miscellany, vol. ii.

³ Printed from the manuscript by Thomas Thomson in 1817 or 1818, and subsequently issued as the "Auchinleck Chronicle, 1436-1460-1."

⁴ Pitscottie's Chronicles (Scottish Text Society's edition), i. cxxiv.

past tense and participle, in "t" instead of "d," was the rule, but not yet invariable. Thus on page 6,¹ "dis-
teyngeid all the lave"; page 10, "signified till us"; page
11, "was accomplisid"; page 254, "feyned traisouns."
But there are other evidences of transition. We have
bath, cas, have, dede, hede, wele, ches, townis, buke,
gudis, and also maid, thai, thair, bataill, &c.

From the circumstances of the origin of the book, we expect to find the text rich in words and phrases which are at least French in origin, and we find it so. But it is a question of a nicety beyond the fineness of our own apprehension how much of these features should be referred to the original French which lay before the translator's eyes, how much to his previous long sojourn in France, and how much to the Scots as he found it spoken around him in the little court at Roslin Castle. Perhaps we ought to say no more than that our general impression, left after perusal of the text of the 'Buke of Bataillis,' and after collations of it with any of the MSS. and prints of the original 'Arbre des Batailles' which we have seen, is that a very large proportion of the words and phrases of French origin in it was probably taken directly from the French MS. or MSS. which he translated.

How far Haye's work is that of recension, how far mere translation, is another matter of doubt — perhaps now unsolvable. All the early MSS. copies of Bonet's book differ from each other, as MS. copies of similar works do. Haye's translation, which seems to have been made from an original or originals which were

¹ These instances are taken from the 'Buke of the Law of Armys,' which is included in this volume.

themselves apparently as full and as early as any of the French copies which the writer has seen, is itself probably a tolerably complete version of Bonet's original work. Haye's work, however, differs from all these copies in some respects, principally, in the 'Buke of Bataillis' at least, in the arrangement of some parts of its contents. The more salient of these peculiarities of arrangement in the Scots manuscript shall be mentioned in the course of the sketch of its contents to which we shall presently proceed. Haye speaks of Bonet freely in the third person—"Here speris the doctour" is his commonest way of beginning a new topic; and at least here and there are manifest expansions of his own on "the doctour's" text.

5. THE PRINCIPLES OF THE EDITING.

Before closing the general Introduction to the print of Haye's manuscript, it seems right to add a note explaining the principles on which the editor has gone in framing the printed text.

In a case such as the present, the general assumptions, so far as the text is concerned, must be that the translator in every case has said what he meant to say, and that the scribe has written it down correctly, in the spelling he intended. The editor's mental reservations, if any, must be relegated to the Notes, for his principal function is to produce an accurate print of the manuscript. The mistakes of the translator are treated as a part of the text; those of the scribe have been corrected only when they were obvious, and when the correction needed was evident.

A faithful
copy of the
MS.

No alteration, therefore, on the exact wording of Haye's manuscript has been made, save—

1. Where a word has been duplicated by undoubted inadvertence. In this case the duplication is omitted.

2. Where a word has obviously been mistaken by the scribe for another of a similar sound, to the destruction of all meaning, such as *we* for *he*. In this case the blunder has been rectified.

3. Where a word has been written and subsequently intentionally obliterated by the scribe. In this case the word has been omitted.

In all cases the fact has been mentioned in the Notes.

No addition to the MS. of the original scribe has been made save—

1. Where a manuscript addition or comment relative to the text has been found on the MS., written in an ancient hand. In such a case the addition has been printed on the margin or otherwise as it occurs in the original; and in every case the fact is mentioned in the Notes.

2. The marginal numbering of chapters, where omitted by the scribe, has been supplied within square brackets.

Words written in a contracted form without any mark of contraction have been printed so; but where there is a mark of contraction it is interpreted, and the word which it marks is printed at full length. In cases where a contraction mark is ambiguous, either from its form or its position, the word has been extended according to its form in the nearest instance in the MS., in which it, or a word parallel to it in form, is written out in full by the scribe himself.

Extensions are not made in italics.

Quotations in other languages are not marked by the

scribe of the MS. in any way, as by underlinings or quotation marks. It is also sometimes difficult to say precisely what word a quotation begins with. In the print, therefore, neither italics nor quotation marks have been introduced.

The punctuation on the MS. is of two kinds: the first a heavy mark, which occurs here and there irregularly, and is evidently made by the scribe during the writing of the text. It is generally equal in value to a full stop, but may sometimes stand for a dash. The second is a thin diagonal line or brace of lines, which may be equivalent sometimes to something less than a modern comma, sometimes to something more, and sometimes to nothing at all in regard to sense. These lines may or may not have been made by the original scribe. They are more numerous at the beginning than at the end of the manuscript.

Punctua-
tion.

The initial capital letter, which is a part of the modern system of punctuation, when used to mark the beginnings of sentences, is not so used in the manuscript with any constancy or clearness.

Punctuation is an integral part of the manuscript of the modern stylist, but it was not so to the like of Sir Gilbert of the Haye. In the manuscript of the 'Buke of the Law of Armys' the translator has evidently dictated no punctuation. What exists is the work of the scribe, not of the author, or, at least, the work of some scribe who was not necessarily the author. The latter alternative is necessary to be remembered, as the punctuation, by its appearance, may have been added after the MS. was complete. But in whichever way it was done, there is some doubt as to its value, and as to whether it consists of more than breathing marks.

If the marks which it employs were in any degree equivalent to our punctuation marks, they would sometimes destroy the sense of the text in which they occur. For these reasons the so-called punctuation of the MS. has been omitted, with the exception that it has been retained in the print of the first folio in order to afford the reader a specimen of its incidence.

The editor has introduced modern punctuation in the stead of the old, even to the extent of putting the initials of the first words of sentences in capitals, and in reducing capitals in other places to "lower case" in accordance with modern practice.

When in the use of capitals for other purposes the practice of the scribe has been uniform, it has been respected. Thus the word "Emperor" retains its capital "E," while the word "pope" remains with its small letter. It is often difficult to say if the initial letter of the word "God" is capital or not in the MS. It has not been uniformly made so in the print.

In the case of names, of no persons nor places has the practice of the scribe been uniform; but capitals, with the exceptions already mentioned, have been used in the print in these cases for the convenience of the reader.

Para-
graphs.

In the original manuscript each chapter, with perhaps one exception, forms a continuous paragraph. This method has been retained in the print.

Translit-
eration.

The general principle observed has been that the manuscript should be printed in the English characters of the present day which most nearly represent the values rather than the shapes of the characters or signs used by the scribe.

Some, however, of the letters which have been used in the print to represent these signs require observation.

b and *v* in the MS. are sometimes undistinguishable. They have been interpreted as *b* or as *v* according to the circumstances in which they occur.

c and *t* are sometimes distinguishable, as in at least one case of the word *jurisdiction*, sometimes not.

ff. When this double letter occurs at the beginning of a word—*e.g.*, *ffor*—it has been taken as a capital letter, and printed *F* or *f*, according to the rules of modern punctuation already referred to.

i, j, are used in the manuscript as in others indifferently as regards sound. In the print the vowel is represented by *i* and the consonant by *j*. Thus the words which by imitation of the forms of the letters in the MS. might be spelt *jniure*, is spelt *injure*.

u and *v*. These letters are generally our *v* and *u*, and, when so, are so printed.

v and *w* are not used in any way indifferently, nor does the one usurp the functions of the other, as in the Taymouth transcript of Haye's 'Alexander.'

w is sometimes used instead of *u*. In these cases it has been preserved.

ȝ. In only one case has an imitative letter been introduced into the print—namely, where *ȝ* has been used for the long letter which occurs where sometimes *y* now is used, and sometimes a sibilant.

Footnotes have been avoided, and all matters of comment not adverted to in the Introduction or Preface have been relegated to the notes at the end of each book.

HONORÉ BONET AND HIS 'ARBRE DES BATAILLES.'

The 'Buke of the Law of Armys' or 'Buke of Bataillis,' as already said, is a translation or recension of the 'Arbre des Batailles' of Honoré Bonet.

Honoré
Bonet.

Of Honoré Bonet—as the best authorities spell his name—we have few personal details.¹ We know, however, that he was a monk of the Order of St Benedict, an Order well seen in history, that he made a journey to Rome in 1368, and that 1343 is the latest date at which we may presume him to have been born. As he tells us in the prologue of his book, the country of his birth and upbringing was Provence. In 1382 he made two orations in name of the Provençal students at the University of Avignon. He became Prior of "Salon"—or, as it is now shown to have been, Selonnet—in the diocese of Embrun, in the same year, and shortly thereafter was made a Doctor in Decrees. It was then that, with the flourish of "Prieur de Salon" (for so most of the MSS. have it) and "Docteur en Decret," he began to write the great account of war and its rules, which he called 'The Tree of Battles.'

Bonet's designation of himself at the outset as a

¹ All that is known or likely to be discovered about Bonet has been collected and set forth by Professor Ernest Nys of Brussels, already mentioned, in his monograph on "Honoré Bonet et Christine de Pisan," which appears on p. 145 *et seq.* of his masterly and instructive 'Études de Droit International et Droit Politique,' Brussels and Paris, 1896. Reference may be also made to the Professor's Introduction to 'L'Arbre des Batailles d'Honoré Bonet,' pub. at Brussels, &c., 1883.

Doctor serves to date the beginning of his labours at not earlier than 1382. The civil war which he speaks of in the course of the book as then raging in his native country of Provence came to an end in 1387, so to the period between these two dates we may refer the most, if not all, of the work.

Some expressions which he makes use of in the book itself, and in his later work, the '*Apparition de Jehan de Meung*,' lead one to think that he composed it, or part of it, in Paris.

Before 1390 the '*Tree of Battles*' had procured for its author a great reputation for learning and ability; in that year King Charles VI. attached him to the Royal Commission which he sent to report on the disorders rampant under the Duc de Berry's administration of the provinces of Languedoc and Guyenne. The report resulted in the recall of the duke.

Honoré Bonet had been born into a world that was racked by divisions and strifes. He was a man of peace and order; but for the attainment of peace and order he was not afraid to descend into the battle. According to the interpreters of the time, the Pope and the Emperor were the sun and the moon of Christendom—the divinely settled rulers of the spiritual and temporal worlds. When this sun and moon quarrelled, Bonet, a Churchman by calling, and by adoption a Frenchman, took the side of the sun. When two suns appeared in the heavens, he sided with the sun that shone at Avignon. But when the sovereignty of France came to be discussed, Bonet proclaimed that France was dependent on neither sun nor moon. Indeed, before his argument was ended, he had

forgotten all about the office of the moon, denounced the Emperors for a line of schismatics, and propounded the divine right of good government, the application of which he limited, however, to the case of France.

The Prior was finally obliged to desert his benefice and to take refuge in Paris, to escape the vengeance of Raymond Roger, Viscount of Turenne, whose claims, under an alleged deed of Gregory XI., he had supported Clement VII. and the Queen-Regent, Mary of Blois, in resisting.

"Thanks to its university, Paris, to which the Prior of Selonnet retired, constituted at that time the most powerful intellectual centre in the world. Bonet's place seemed to be marked beforehand in the centre of that group of noble spirits who, Gerson at their head, were truly the directors of the public opinion both of France and of Western Europe. Patriot and Christian, Bonet threw himself boldly into the fight, and we have still two works of his as evidences of his talents—the '*Somnium Materea Scismatis*,'¹ and the '*Apparition de Jehan de Meung*.'² In both he deplores the ills of the Church, and points with force to the means by which a remedy for a sorrowful plight may be found, and a mutual understanding and harmony may be restored among the the faithful."³

But the Prior's greatest work was the treatise with which we have at present to do—his '*Tree of Battles*.'

¹ 'Un ouvrage inédit d'Honoré Bonet,' par Noël Valois; *Annuaire-Bulletin de la Société de l'Histoire de France*, xxvii. 193.

² 'L'Apparition de Jehan de Meun, ou le Songe du prieur de Salon,' par Honoré Bonet, docteur en décret—pub. by the Société des Bibliophiles français, with a preface by Jérôme Pichon, Paris, 1847.

³ 'Études de Droit International,' p. 145 *et seq.*, cited above.

The fame of the original book, and the number of excellent manuscripts of it which still exist, make it all the more remarkable that our Scots manuscript is perhaps the only version in any of the Teutonic languages.¹

MSS. of
'L'Arbre
des Ba-
tailles.'

The Edinburgh University Library possesses a manuscript in French.² The Bodleian Library at Oxford possesses another.³ The British Museum has three.⁴ There are several in the libraries in Brussels, more in Paris; and Aix, Grenoble, Rouen, Soissons, San Lorenzo del Escorial, and some other places, possess one or more copies apiece. As is natural, these MSS. are usually in French, but there is one Provençal MS., and three in the dialect of Catalonia.

At least six early printed editions of the work in French exist,⁵ and one modern. This last-mentioned edition is the print of the fifteenth century Aubert MS.,

¹ The 'Livre des faits d'armes et de Chevalerie,' written by Christine de Pisan, and founded partly on the 'Arbre,' was however translated and printed in English by Caxton in 1489: "Here begynneth the book of fayttes of armes and chyualrye which xpyne de Pyse made and drewe out . . . of tharbre of bataylles" [Brit. Mus., C. 21, d].

² Laing Collection of MSS., No. 192; small folio, paper, about 224 pages, single col. containing about 26 lines. The writing, which is bold, seems to be French of the fifteenth century. The paper is stout, and well marked with one of the water-marks which has been deciphered as a monogram of  and . The volume, which bears several booksellers' price-marks on it, has been rebound in modern binding with end-papers water-marked "MAVOR | 1819 | 5."

³ Bod. Lib. Catalogue of Miscel. MSS., No. 566, col. 405 F.

⁴ (1) MS. 22,768. (2) 'The Duc de Berry MS.,' MS. 20, C viii. (3) 'The Shrewsbury MS.,' MS. 15, E vi.

⁵ They were printed respectively at (1) Lyon, 1477, fol. (copies in the Bibliothèque nationale, Paris, and in Huth Library—Huth Lib. Cat. (1880), p. 183). (2) Lyon, 1481 (Chatsworth Lib. Cat., p. 234). (3) Paris, 1493, fol., G.L. (B.M., C 38, h 13). (4) Paris, 1505, 4to, B.L. (B.M., 1398, b 6). (5) Lyon [1510?], 4to, G.L. (B.M., 6875). (6) Paris, 1515, 4to, B.L. (B.M., C. 34, g).

presumably the best of the MSS. possessed by Brussels. It has the advantage of having been edited by M. E. Nys of Brussels, the eminent authority on the history and literature as well as the principles of international law.

The arrangement
of the
Buke.

In attempting to describe Bonet's great work, which Haye introduced to Scottish ears, it is natural to use Haye's own version, and in doing so to mark some at least of the leading features of its arrangement, &c., in which it may agree with, or differ from, other versions.

In his priestly character Haye prefaces his manuscript with the Apostolic Benediction, in its usual Latin form, and then sets out in the vernacular. "Here begynnys," he says, "the buke callit the buke of the Law of Armys, the quhilk was compilit be a notable man, doctour in decreis, callit Bonnet, prioure of Sallon, the quhilk quhen it was maid, callit it the flour of bataillis or the tree." It is doubtful if the copy of the original from which Haye translated contained any drawing of the tree, such as we shall afterwards describe; his translation does not.

His preliminary description, from which we have just quoted, contains also the announcement that the book will contain four parts, as the rubrics will show: that the first shall be of the tribulation of the Church before the birth of Christ; the second, the tribulations and destruction of the four principal realms of the earth; the third, battles in general; and the fourth, battles in special.

Then come the rubrics of the first part, "be the quhilkis men may better knaw the process of the said buke and of every chapter specialy." These chapters,

according to the rubrics, are ten in number, and the list is closed with the words "Expliciunt Rubrice Prime Partis," &c.

To this he adds "Sequitur Prologus in brevibus: Here folowis the proloug of the said buke, . . . and syne efter sall folowe the principale parties of the buke forenamyt translatit be me Gilbert of the Haye," and so on with the passage concerning himself which we have already quoted and commented upon.¹ The Prologue of the original follows, beginning with the words of all the manuscripts of the famous 'Arbre,' "To the haly croun of Fraunce."

The order of the contents of the First Part, which follows the Prologue, corresponds with that of the rubrics; but its divisions do not. They are thirteen in number. Only the first three are numbered in the margin, and we are to surmise whether Haye may not have had two manuscripts before him, one of which he was using for his translation of the text, and another for the rubrics.² This division closes with the words, "Here endis the first part of the buke of bataillis; and here efter folowis the declaracioun of the Rubryis of the secund buke, &c."

These rubrics of the Second Part are eighteen in number. The contents of the book, which is in the same order of subjects, is in only sixteen chapters in the MS., though for convenience, and as the chapters

¹ Pp. xxii, xxiii, *et seq.*

² The MSS. of 'L'Arbre des Batailles' differ in the matter of lists of rubrics. Thus the Aubert MS. printed by M. Nys has none. One MS. in the British Museum (MS. 22,768) and the Edinburgh MS. have the rubrics of the whole four books in one continuous catalogue at their beginnings; and the rubrics of most of the MSS. differ from each other more or less.

have neither sub-titles nor numeration, they are divided per margin into eighteen. The part concludes, "Here endis the secound party of this buke. Explicit secunda pars bellorum."

The Third Part begins as usual with a list of its contents. The list contains ten titles; but the text is in only nine divisions. Although Hays is evidently translating from French, he repeatedly closes lists and divisions with an announcement in Latin. So here again he says "Explicit tercia pars huius libri bellorum."

The Fourth Part of the book begins with a list of 155 chapters, which varies notably from the order of the contents. Chapters xii. and xiii. are transposed, being in their right order in the text, not in the list. The list and text agree otherwise till chapter xxxii., in which, in the MS., the greater part of chapter xxxvi. is interpolated. The interpolation is made at the expense of the sense of the passage at which it occurs. Having said that in certain circumstances it was not possible that the King of Spain's men should "ask payment for their service, quhilk was before tyme quytt," the MS. drops chapter xxxii. and proceeds: "Ane othir opynioun is, that at the sending for of the Pape, thai may do bathe the tane and the tothir"—*i.e.*, clergymen may take arms, both offensive and defensive. This is taken from the middle of chapter xxxvi. Then follow the rest of that chapter, and the whole of another, not in the list of chapters, on the question whether wages are due when the service covenanted for is not required nor possible. And after the last sentence, that "it war ane unreasonable thing to pay for ane service that war impossible to be maid," the MS. resumes chapter xxxii.,

where it had dropped it, and continues: "And now as to the ansuere of the first questioun; gif the king of Spaynȝeis men mycht ask wage . . ." and so on to the end. This confusion in the MS. has been rectified in the print by the restoration of the interpolated passages to their proper places.

The list and the text thereafter agree till the close of chapter lxvii. Then follows in the text a chapter on the duty of one who is a burges of each of two belligerent towns—a chapter which is not in the list.

Chapters lxxxvii. and lxxxviii. of the list are run into one in the text, so also are chapters cxi. and cxii. The eighteenth case, according to Bonet, in which the law of Lombardy allowed single combat, is not mentioned in the list.

Thereafter the list and contents agree till the list comes to announce chapter cxxxi. We then meet what is the main proof that Haye was working from two copies of the original 'Arbre,' for the next seven chapters—cxxxii., cxxxiii., cxxxiv., cxxxv., cxxxvi., and cxxxvii. (in all seven)—of the text are chapters cxxxv., cxxxvi., cxxxvii., cxxxviii., cxxxix., and cxxxix. (six) of the list. In this case the text has been printed as it stands, as the sense is not involved; but the chapters which are not numbered in the text in the original have been numbered there in the print, in square brackets, according to the order in which they are announced in the list.

Chapters cxxxviii. and cxxxix. of the list are but one in the text.

At chapter cxxxviii. both list and text leave the subject of single combat, with which they have been

dealing on many pages, and interpolate ten chapters on armorial bearings; after which they revert to the questions of single combat.

With one exception the rest of the MS. seems to require no special notice under the present heading. At the very end Haye narrates that his author closes his book with a prayer to God on behalf of the prince for whom the book was written—"that is to say, King Philip of Fraunce." This seems to be another indication that Haye used two versions of the original.

Contents
of buke.

Bonet addressed his book to his king—Charles VI. of France—in 1382, or thereby, as we have seen. He introduces himself in his Prologue, and explains humbly that he had had many small thoughts, and a great desire to write them down. For the Church was in great tribulation; almost every realm in Christendom was in a state of war; Provence, his native land, was turned upside down; and lastly, there was a belief among eminent students of prophecy that the long-looked-for deliverer of the world from all its pains was to reveal himself in the royal line of France, in the person apparently of Charles himself.

Trees.

"And therefore," he continues, "is thare cumyn to me sik ane ymaginacioun that I will ger mak a tree the quhilk sall bere bot fruyte of sorowe."

To some of the manuscripts of the 'Arbre des Batailles' are prefixed allegorical pictures of trees, among whose branches fight popes, emperors, kings, lords, and commons. One of these, taken from a fifteenth-century MS. in the Burgundian Library, Brussels, is figured in 'La Vie militaire.'¹ In the clouds at the top is a

¹ 'La Vie militaire,' par M. Paul La Croix, p. 29.

representation of the Almighty clothed in mediæval fashion with the triple crown of a pope on His head, with the mound, the symbol of dominion, in one hand, and in the act of blessing with the other, in the name of the Trinity—two fingers and the thumb being raised. He is surrounded by a group of adoring angels. On each side of the group other angels armed with spears are driving Satan and his adherents out of heaven. Satan is black, with a tail and two cloven and clawed feet. In the branches of the tree proceed eight duels, each between persons of equal or proximate rank. An emperor fights a king in the highest branches. On the right a bishop attacks another bishop, or an abbot, with his crook. On the left fight two fat burgesses. Elsewhere a knight, who is falling off his branch, is being stabbed behind by another with a sword which he holds in both hands, reversed like a two-handed dagger. In another part of the tree two women are fighting; one wields a distaff, but in spite of it her head-dress is in the act of being pulled off by her enemy.

A picture similar in its general idea, and of the first interest in respect of its details, is found at the beginning of the Duc de Berry manuscript of the '*Arbre des Batailles*'¹ in the British Museum. The tree, which, by the courtesy of the Museum, we are allowed to reproduce (see pocket at end of this vol.) in its exact size, though without its colours, is on parchment, delicately drawn in ink; the banners borne by the combatants, who are arrayed on its branches, have

¹ MS. 20, c. viii., a fine MS. (the earliest of the '*Arbre*' in the Museum), with peculiarities of its own; complete, but 'at present much disordered in the binding.

been emblazoned in full colour; the rest is in black and white, with a stain of yellowish-green on the tufts of leaves, of yellow on the wheel held by the central figure and the staves of most of the spears of the warriors, and of yellow brown on the hair of some of the figures whose heads are uncovered. In the uppermost branches stands Fortune, God's "general minister,"¹ who rules the affairs of earth—

"Wherefore one nation rises into sway,
Another languishes, e'en as her will
Decrees . . ." ²

The first of the contests in this tree takes place between the rival popes—Clement VII. and Urban VI. The picture has at one time or other been subjected to the attentions of some person who perhaps did not approve of the artist's inclusion of popes in his roll of peace-breakers, and the faces and head-dresses of these ecclesiastics have been obliterated; but, whoever he was, he was not a herald, for he has allowed their ensigns to remain. Of these the first is, in heraldic language, *azure, in four pieces, equipolez of or*, or, in other words, *chequy of nine pieces or and azure*. These were the arms of Robert of Geneva, elected Pope on 20th September 1378 as Clement VII. The second—*or, an eagle displayed azure*—is the banner of the family of Prignani, as borne

¹ "Nos eas causas, quae dicuntur fortuitae [unde etiam fortuna nomen accipit] non dicimus nullas, sed latentes, easque tribuimus, vel veri Dei, vel quorumlibet spirituum voluntati."—Augustin, *De Civ. Dei*, lib. v., *per Lombardi*, Dante, "L'Inferno," canto vii., footnote 78.

² Cary's Dante, "Hell," canto vii., note 78.

"Perchè una gente impera, e l'altra langue
Seguendo lo giudicio di costei."

—Inferno, vii. 82, 83.

by the rival Pope, Urban VI. The second contest takes place between France and England. The arms of France, which are painted here, are *azure semé of fleurs-de-lis or*. Taken strictly, these arms refer to a date prior to the edict of 1376, when Charles V. of France, we are told, adopted the cognisance of three fleurs-de-lis "pour symboliser la Sainte Trinité." The arms by which the artist denotes England are the famous three golden leopards on their red field. The kings of England of that day bore these in the second and third quarters only, but their title to their other quartering, *azure, semé of fleurs-de-lis*, that is *France-Ancient*, which, with Norman prejudice, they placed in the principal position, no French artist was likely to recognise. The same hand or manner of hand which sought to obliterate the heads and faces of the popes has partially defaced even this modified ensign of England the invader.

The next flag is *tiercé en pal*: *first, argent, a cross potent, cantonné by four crosslets or*; *second, azure, semé of fleurs-de-lis or*; *third, the same as the last within a bordure gules*. In other words, these are the arms of Jerusalem, France, and Anjou, as borne by Louis, whom Queen Joan I. of Naples nominated as her successor in 1382. The sixth banner is that of the Duke of Burgundy — *France-Ancient, within a bordure compony, gules and argent*.

The seventh is *Castile and, apparently, Leon, quarterly* — viz., *first and fourth, gules, a castle or*; *second and third, argent, a lion rampant gules*, though the colours of the latter quarter are now doubtful. The next flag is possibly intended for that of Portugal, whose arms were *argent, five escutcheons in cross azure, each charged with*

as many plates in saltire.¹ But the banner might easily be described as *azure, five dice marked for fives*; or, in other words, *azure, five square billets argent, on each, as many ogresses, or roundles sable, two, one, and two*.

The two-headed eagle of the Emperor, black, on a golden field, is the ninth banner. The tenth is probably that of Charles of Durazzo, the murderer and successor of Joan I. of Naples—viz., *per pale: first, azure, semé of fleurs-de-lis; second, argent, three bars gules*. In the first, *France-Ancient* is easily recognised; *Hungary-Ancient* is usually *barry of eight, gules and argent*, or else *gules four bars argent*, but the scale on which the banner is here painted is sufficiently small to have caused a fourteenth-century herald to reduce the number of the charges.

On the ground beneath the tree fight the ranks of men that are below the dignity of coat armour.

The language and handwriting of the manuscript in which this picture of the tree occurs belong at latest, we should judge, to the beginning of the fifteenth century. The dates of the persons in the picture who can be identified, and the mail in which the warriors are clothed, are contemporary with the Prior.

The Prior's mind seems to have run on fours; he had four reasons for writing, and he cast his book into four parts. He begins the "First Part" of his book, which is to be concerned with "the tribulation of the Kirk before the nativitee of Criste," by asking four questions—What is battle? Where was battle first found? When and how was it first approved here? and Is it lawful?

Battle, he says—"that is to say, bataill of ordinaunce"

¹ Harl. MS. 6829, fol. 46.

—is only a contest through which men attempt to reform “a displesand querele of wrang to ger it retourn to resoun.” It was first found in heaven, he says, when God Himself sent Michael and his angels to battle with Lucifer and his angels. Wherefore, he continues, it should not be marvellous that wars and battles are found upon earth.

After recounting what he thinks the most notable of the wars waged against “haly kirk” before the coming of Christ, he proceeds to describe those directed against her after it. This he does at greater length, interpreting the events he relates in the light of St John’s Apocalyptic vision of the seven angels with trumpets.

These angels had been, so far as time had gone, popes, of course. The first was John the Baptist, and “gif only wald argewe this, sayand that how suld he be signified be the first angel and he was never pape,” nevertheless he was an angel from his office. “And also he had office of pape, quhen he reprovit Herodes of his brothir wyf. Bot efterwart be the first angel is understandin the sone of God.” The second angel was Pope Silvester; the third, Gregory I.; the fourth, Agathon; and the fifth, Urban V. It would be out of place here to discourse at large on the mediæval interpretations of the Book of Revelation, and unnecessary to rehearse with more detail what of it Bonet introduces in the course of his mixed argument and narration to show that the Church had been in a state of war ever since the Incarnation.

The Seven
Angels.

Many parts of Haye’s version seem to have been taken from a draught rather than from a revised and final treatise, and here and there it contains curious

misreadings. Thus, after the first trumpet, "the thrid part of the blude was grene." He mixes the accounts of the first and second angels. The burning hill which fell into the sea was heresy. The sparrow of Psalm 102 went up into a hill alone—the same hill, for the sparrow meant a heretic.¹ It is "a lytill foule janglare," he learns from the master of the properties of beasts, "the quhilk lyfis on sedis that ar poyssoun till othir foulis." The sea meant Holy Writ, and the writer builds an argument on the fact that the sea "is foundit apoun the ferme erde." At least one other version of the 'Arbre' arrives at the same end, "comme la terre est fondée sur l'eau." Bonet, as is natural at his date, gives full credence to the fact of the Donation of Constantine. He also accepts without reserve, but, on the contrary, rather with satisfaction, the story of the woman-pope, Joan: "And efter Leoun, was chosin a woman pape nocht wittand that scho was a woman, the quhilk was of Ingland borne, and a noble clerges was." Sir William Sinclair the Justiciar notes in the margin, "Johannes Anglecus. Scho ves borne in ane towne callit Maguntia."

Bonet understood that his own day lay in the period of the fifth angel, and he was at no loss for an interpretation of the terrors of that time. Saint John had seen an "egill fleand throu the ayre cryand in the ta half of the hevin, Sorow, sorow, sorowe mote fall till all induellaris of the erde." And the sorrow had come, the star had fallen from heaven to earth, and had received the key of the bottomless pit; and who was the fallen star, but Pope Urban VI.! The

¹ Haye's version frequently adds, "and lollardis" to "heretikis."

locusts that came out of the pit and were given the powers of scorpions were the Roman people. "As says the maister of proprieteis of bestis, A scorioun is as a worm of the erde, the quhilk softly and suetely touchis till mannis flesch, and softly clawis with hir clukis, and plesandly beris hir in company, bot scho has a stang as a serpent, that scho stangis to dede at the last." For the Romans first encouraged the College of Cardinals to elect a pope, and then broke in on them in their conclave "and bostit thame." Bonet does not like the Romans, and quotes all that St Bernard said to Pope Eugenius III. about them; but the vials of his wrath are mainly reserved for Pope Urban VI., or, as he calls him simply, "Bartilmewe." That Bartilmewe had been elected pope so far as external form went was obvious. Bonet therefore falls to the inquiry if he had the power of the keys, the key of jurisdiction, or power "till opyn and to steke," and the key of "districcion," which gave him the knowledge when and how to use the first key. He replies that the key which was given to Bartilmewe was the key of jurisdiction only—a key, in his case, of "avarice and of folye, of presumptioun and of tyranye, and nocht of gude occupacioun, and that was grete pitee, and grete scath, for it has lestit sa lang, and ay the langar the mare covatous, and mare gredy, the quhilk, bot God sett remede, it passis all manis power to set remede." At the end of the second part of his book the Prior reverts for a moment to the subject, and denies, what he seems to allow here, that an antipope, as he held Urban to be, could have even the key of jurisdiction.

The Second Part, which was announced to deal with

Second
Part.

the four great realms of the past—Babylon, Carthage, Macedon, and Rome—is mainly concerned with the history of ancient Rome, and founded on the narrative of Orosius.

Juris-
diction.

In the last two chapters of this part Bonet discusses two questions—first, Whence came jurisdiction, and execution of laws among men? and second, Who was the first judge? To the first question he answers that jurisdiction came from God, latterly through His Son, but, at the beginning, by the natural reason which He had implanted in man. God was Himself the first Judge, when He sentenced Adam to toil. The first jurisdiction on earth resided in fathers; and if they had brought up their sons well, men would never have invented kings.

The subject of jurisdiction brings the Prior to think again of the “many antipapis now dayly in the haly kirk,” and the schism and divisions in her; at these he has “sa grete dule” that he “wate nocht quhat I sall say, bot erar me think it better ware I held me still.” So he passes from these things “to my first purpos of my first undertaking sen I can here set nane othir remede.”

Thus ends the historical section. The practical part, to the which Prior presses forward—the discussion of the rules of war and of single combat—occupies nearly three-fourths of the book.

Third and
Fourth
Parts.

War, says the Prior, is approved by all laws. By the law of God, it is for the trial and purification of good men (iv. 1), and the punishment of the wicked (iv. 54).

War is
lawful.

By the law of nature it is reasonable. For “all thing is enclynynt to gaynstand thair contraire” (iv. 1). By the

"law of folk," which is "all that by natural reason should be, generally"—and in this sense he includes in it the canon and civil laws—war is defensible, for its end is peace (iv. 1).

Bonet does not confine his consideration of war to its aspects under any one of these laws only. With respect to the laws of God, he concludes that if a man die in any just battle "wele confessit in other thingis," his soul is safe. If he die, however, in a "wringwis caus," maintaining a false opinion, he is condemned, unless the mercy of God intervene. If, however, he die in battle against the Saracens or other enemies of God, the faith, or the Pope, and is free of deadly sin, "he passes furthwith in paradis"(iv. 52). It is true that many great warriors have been wicked men, but nevertheless a few men in a state of grace is more victorious than a multitude full of sin and wickedness. The decrees say of the realm of Britain, that "gif the Inglishmen be enclynnyt to the syn of the flesche, habandoned togeder and geve thame to that delyte, thare sal cum of that folk peple villain, and wayke in the faith, and evill till arreste fra bataill, bot flowand and untraist in all thair dedis." If the holy king Saint Louis was allowed by God to be taken prisoner by the Saracens after they had defeated him in battle, it was, in the Prior's judgment, to prove his patience, and that he should be the more glorified in heaven (iv. 53).

There are religious arguments for going into battle fasting, but the Prior, after quoting much Scripture, advises that, if soldiers be hungry or thirsty, they had best be first "reconfortit" with both meat and drink (iv. 107).

Bonet deals very courageously with those cases in which he finds that the law of Nature comes into conflict with the laws of obedience framed by earthly superiors on the one hand, or with the law of God or the Church on the other.

Defence
of life.

A bondsman ought to defend his own life against his lord's attack (iv. 72); a monk against his abbot's (iv. 73); a son against his father's (iv. 74); an accused against his judge's, if the judge would assail him otherwise than in execution of right judgment (iv. 75). A banished man found within the realm again ought to defend his life against his pursuers; for the governing principle is that a man ought always to slay rather than be slain (iv. 76).

By the law of nature and of the evangel, as well as by all written and other laws, a man is bound to defend his father against offence, injury, or villainy whatsoever (iv. 21). The law of the land says that in war a man should help his over-lord rather than his father, but the Prior says nay (iv. 22), and adds that a clergyman should help his father rather than his bishop (iv. 23). A husband should defend his wife by force of arms if she is evilly assailed, and in some cases put her assailant to death (iv. 64). He should defend his brother, and his son also, and, if his cousin-german is overthrown in his presence, him also. Even if it were a man of a religious Order who was about to slay a father, brother, son, or wife, he is entitled to slay him in their defence, and should not be cursed by the Church for so doing. The Prior declines to add that the defence of a cousin-german would warrant the slaughter of a man of religion, for, being a kirkman himself, it is not his office to "law the privilege of the kirk" (iv. 65).

If a man have engaged himself to be another's protector, he is liable to put his life in danger for him ; otherwise not (iv. 18).

A priest who is assailed on his way "berand Goddis body on him till a seke man," ought to save his life if he can, even at the risk of the sick man dying without the sacrament. But if a new-born babe be in peril of death, the priest should take in patience the peril of his own death, rather than leave the child to die unbaptised. It is less scathe to the priest, he says, to lose his life than to lose the child's soul for want of baptism and his own soul for his negligence (iv. 77). In the same way, a bondman is not excused for committing homicide on the score that he did it at his lord's command, and would have been slain himself had he disobeyed. It is better to be a martyr and go to heaven, says the Prior, than be a murderer and go to hell (iv. 71).

Defence of property by force is lawful in laymen (iv. 24), even of possessions whose ownership is undetermined ; and property taken by force may be recovered by force if the law is weak or unjust (iv. 25). Even a priest may defend his property by force if his life depends on its possession (iv. 26). Defence of property.

As to the right to wage war, theory and practice were found by the Prior to be very different. The theory of the Church made the Pope the supreme ruler of Christendom, and explained the Emperor as his creature, who had dominion in temporal things over all Christian nations save those which were directly under the Pope himself. On this theory, war between Christian states on their own motive was a rebellion against the laws, and war by the Pope or Emperor Right to wage war.

against a Christian nation was merely the measures taken for quelling rebellion or punishing rebels ; for war, it was premised, could be waged by sovereign states only. In practice, however, as the Prior sorrowfully admits, there was nothing more common than war waged without leave of either Pope or Emperor, by Christian states claiming to be sovereign and independent in that matter of both. In discussing these claims the Prior shows much dexterity. France is a claimant ; her claim he concludes to be undoubtedly good (iv. 82). England claims too ; there was clearly some considerable literature anent that claim, but the Prior most strongly doubts it is not proven ; and Spain is in a like case.¹ Venice, founding on a grant by the Emperor, Naples which is under the Pope, and the cities of Lombardy and the people of Rome, founding on gifts by the Emperor, also make claims, but the Prior only wonders that the Emperor does not bring them to reason. There is all the difference in the world, he thinks, between a grant made by the Emperor—like the grant to the French—while the Empire was hereditary, and one made by him—like some grants to other nations—after it became elective. The elected Emperor cannot make grants. The Prior, it may be said in passing, does not apply this doctrine to Popes, who had a perfect right to give away the crown of Naples, with the consent of the Queen of Naples (iv. 109).

Accepting the fact that the states of Christendom act

¹ Part iv. cap. 83. The Prior has previously (cap. 3) admitted the claims of both Spain and England. They have their imperial jurisdiction, he says there, " *be writt*," according to Haye. In the Brussels MS., edited by M. Nys, the passage is "*ont prescrit la jurisdiction imperiale*."

as if they were sovereign (iv. 4), Bonet proceeds to discuss the rules by which they ought to govern themselves in their contests with each other. His scholastic method of stating each argument in turn, as if he were its advocate, is well adapted to reveal the extent of his learning in the Mosaic, civil, and canonical systems of jurisprudence, and in the opinions of the jurists who had already more or less consciously approached the subject of the relations, either of peace or war, between sovereign states.

By the law of arms, a general war may be waged by emperors, kings, and princes only; but, in violation of that law, it is waged by barons, yea, and simple knights (iv. 4). The Emperor, having no temporal superior, may levy war when he pleases, and all the people of the Empire are bound to obey him. The exceptions, if exceptions they all are, to this duty of obedience to him, are France, Spain, and England ("Scotland and Ireland," adds Sir William Sinclair in the margin of Haye's manuscript), which have "be writt imperial jurisdiction";¹ the cities of Lombardy and the people of Rome, who are rightly no exception; the city of Venice, by privilege of the Emperor, which he may recall when he likes; and Naples, which is under the Pope (iv. 3).

The Emperor may not turn his arms against the Pope, for the Pope is his superior (iv. 5), and the subjects of the Empire may not obey him if he does. The Pope, on the other hand, may proclaim war against the Emperor if he is rebellious, or against any other rebel from the Church (iv. 6).

¹ But see *supra*, p. lxxxiv.

War
against un-
believers.

War against the unbelievers—such as Saracens—save for the purpose of recovering lands once Christian, or redressing injury done to the faith or to Christians, is unlawful. But if they offend, the Pope may grant their lands to whomever he likes (iv. 2).

It is also unlawful to make war against the Jews, for from their subjection they cannot harm the Church, and there is prophecy to be fulfilled with which we should not interfere; nevertheless we know well, says the Prior, that "they hate us dedely, and lufis us nocht; and we lufe thame bot lytill, na dois thame bot litill gude" (iv. 63).

The prac-
tice of
war.

With regard to the details of the practice of war, Bonet considers the requisites of an army, the duties of its parts, and its individual members, and their rights.

The first requisite for war is a leader. The Prior finds that men no longer call him a duke, but a constable. The next to him in rank is the marshal. The second requisite is good rule and good ordinance. Ordinance had also changed its name: armies, once counted by legions, companies, or "cinquantineres," had come to be calculated in "battles" without any strict reference to numbers contained under the name (iv. 7). They still consisted, however, of horsemen, footmen, and shipmen—the last for scaling fortifications (iv. 7).

To the commander, Bonet assigns every conceivable care of the army in camp, march, and fight. It is his to keep his army together, and yet to be reasonable in granting leave of absence; to keep the keys of strongholds, to organise watching and warding, examine the weights and measures of persons who deal with his soldiers, to hold courts-martial, see to the sick and

wounded, guard against evil ports and weak bridges, fix camping - places, and so on. All this he acknowledges himself to have borrowed from the writings of "ane callit Vectoit, a doctour, as is rehersit in the buke of the Order of Knychthede." In addition, he says, the leader of the army should protect the interests of his knights, and be "wys and verty, and wele avisit in all his dedis" (iv. 9).

In giving battle the footmen should be placed in strong positions, and the horsemen on plain ground near them, the shipmen according to the situation of the town to be scaled (iv. 7).

Near the end of his book the Prior adverts shortly to a subject which relates to the army in the field; it is the subject of armorial bearings. As men in time of peace use surnames for the sake of distinguishing themselves from each other, so, for the purpose of differencing themselves, men, in time of war, receive or take armorial bearings (iv. 138, 139).

Bonet recognises some freedom in regard to such bearings, but also some restrictions. Ensigns which have been taken at will by any one are his property after they have become known as his ensigns (iv. 140). A gift of any particular arms by the Emperor or prince similarly makes them the property of the grantee and his heirs (iv. 138, 139). But no property in armorial ensigns gives the subject of one sovereign the right to complain of their being borne by a subject of another (iv. 138, 139, 141), unless they be disgraced thereby (iv. 141).

The sovereign may punish the wrongous assumption of another person's arms (iv. 142). Redress against a

foreigner must be had through the foreigner's king (iv. 141).

That the subject of armorial bearings, however, had, even in Bonet's time, become rather technical and perhaps thorny, is clear: he advises that, when questions about them arise, the heralds should be consulted! (iv. 140). He also resolves not to discuss the question which are the noblest arms, "for quhy that alwayis comparisoun is odious," and only permits himself to speak of the colours used in arms. He names five, of which the first and noblest is Gold, the emblem of the sun, which is the king of planets and source of light and strength. And if "sum ignoraunt men wald say that gold is metall and na colour, . . . all low and lychtnes that lemys and gives sycht to the eyne is of the nature of colouris" (iv. 143). Purple, "the quhilk he [Bonet] callis here rede," is the second colour in order of nobility: it represents fire, the most noble of the four elements (iv. 144). The third is Azure, for that represents the air, which is the next noblest element (iv. 145). White, for water, the third element, and signifying purity and innocence, comes next (iv. 146). And the fifth and last is black, representing the earth, which is the last and basest of the elements; it signifies humility and meekness: "men makis thair dule in that clething" (iv. 147).

Fealty.

In considering the duties of the warrior, the Prior reviews the oath of fealty by which in the military system of society the vassal was bound to his superior. It has six points—viz., that the vassal shall (1) never be where scathe is done to his lord's person; (2) never be at the scathe of his secrets or commandments which

have been intrusted to him; (3) nor at the scathe of his justice, nor of anything pertaining to his honour or position; (4) nor hinder his lord's undertakings; (5) nor be at the scathe of his lord's possessions; (6) nor make the possible impossible by withholding his aid, as by abstaining from assisting in his lord's war (iv. 15).

The oath implies liability for defence of the lord to whom it is made, and of the realm; but, if the lord would engage in a war of aggression, he should take help of his vassals courteously, and not lay too great a burden on them (iv. 15).

A vassal is bound to fight for his lord, except it be against his own father or other near relative (iv. 22), or against the king (iv. 16).

The king's call to arms must be obeyed in preference to that of the subject over-lord (iv. 17).

A baron who holds of two lords who are at war in separate places, and who is summoned by both to fight, should attend in person on the lord to whom he made his first oath, and send a son or some other deputy with such force as he can spare to attend the other lord (iv. 66). And this he ought to do, even if the two lords should be fighting against each other (iv. 67). The rule is the same for a burghess of two belligerent cities (iv. 67).

A vassal is bound to defend his superior without reward, on pain of forfeiture of his fief (iv. 19). A bondsman is bound also to fight for his lord (iv. 20, 68). There are not many bondsmen in France, observes Bonet, but there are in Lombardy, Avignon, and Arragon (iv. 68).

Exemptions from
warlike
service.
Clergy.

There is no doubt that clergymen may take part in defensive operations; but the authorities differ as to their liability to partake in wars of offence. As to the question if a bishop may leave his king on the field and flee rather than fight, the Prior's opinion is that "a bischop aw erar sla his inymy na flee" (iv. 36).

At the same time he says that the clergy should not be taxed for the expenses of wars, even in respect of the castles, walled towns, and great lordships which they hold, lest they should be consenters to the shedding of blood (iv. 62).

"Libertouns" are not liable to serve in war (iv. 68), nor are women, nor the sick, blind, deaf, dumb, insane, nor those over or under age. A woman holding a fief must send her people under a substitute. A man over sixty years of age may be called out for the sake of his counsel, and Bonet conceives cases in which a deaf and dumb man may be useful (iv. 69).

To churchmen, women, blind, deaf, dumb, and madmen, who need no safe-conducts, should be added the labourers of the earth, as they are the servants of all men and the enemies of none (iv. 99). And the farmer's beasts and his varlet ought to enjoy the same exemptions from the ills of war as he does (iv. 100, 101). But it is the Prior's lament that the wars of France in his time were made only against the poor labourer. It may be necessary for one nation to reduce another to poverty, in order to render it harmless; so innocent people may suffer as well as the guilty, non-combatants as well as those responsible for the war. To make war, however, on the labourers of the soil is cruelty (iv. 48).

But the wars of the middle ages were not fought

out by feudal armies unassisted, and the rules regarding the wages of powerful allies, of mercenary troops, of free lances, and such adventurers, must have been of daily importance. In discussing them, Bonet never loses sight of the law of contract. Mercen-
aries, &c.

If the King of Spain have been succoured by the King of France in time past, and thereafter succour in his turn the King of France, he may not ask wages: his satisfaction and payment are "done dede and service, and he aw nocht to ask double payment. The actioun is naturale, it may nocht be turnyt in accioun civile" (iv. 32).

A knight who unasked defends a lady for glory may not ask wages: it was for glory he fought (iv. 33). The warriors who fight for spoil may not ask wages either (iv. 35).

If a "knycht of aventure" comes unsolicited to the aid of a lord, and is not a near relative, nor so powerful as to be able to come from motives of love or pity, he may "graciously ask his wages," though he has no legal right (iv. 30). But if a knight persists in fighting after his services have been declined, he has no right to wages, and ought not to ask for them. This is so even though a physician who cures an unwilling patient has a right to his fee (iv. 31).

Wages of soldiers who are engaged by the year are not due till the end of the year; but the employer should have consideration, and pay them some on the mid-term (iv. 37).

A soldier engaged by the year, and allowed a month's leave, suffers no deduction from his wages on that account (iv. 38). Wages are due throughout the war though the soldier have been on the sick list (iv. 42).

If the Duke of Brittany should hire soldiers in Germany for a year to help him to defend his country, and before they arrive his duchy is taken, they are due wages for only the time they have served (iv. 36a).

If a man-at-arms comes under an oath to serve a lord for a year, and during the term of his service wishes to put another in his place, the lord has a right, Bonet thinks, to keep him to his oath (iv. 40). If he ask to be released from his bargain after three months, the lord is free to give or withhold his whole wages (iv. 39).

A captain of mercenaries may change the personnel of his company, though he has already mustered it before the prince who has engaged its services. But it were better that he did so with leave, for sending away men who are in the prince's or the army's secrets is a dangerous thing (iv. 41).

Risk.

If a knight passing on his lord's business be robbed, he has an action of theft against the robber, and an action of debt against his master; but if his master recoup him, he must assign the action of theft to his master; and if, on the other hand, he succeed in recovering his armour, his action of debt falls so far, for he cannot get payment twice (iv. 29).

But if a captain, knight of Lombardy, come into France with his mercenaries (as often happens, says the Prior), and agrees with the King of France for six shillings a man per month, and they lose their arms, armour, &c., in action, they have no claim against their employer (iv. 34).

Harness borrowed for battle and then lost in battle need not be replaced; but if it have been sold it must be replaced: some call the sale theft (iv. 27). If the

lost harness had been hired, only the hire is due to the lessor (iv. 28).

Safe-conduct of an enemy to a conference implies safe-conduct both to come and go again (iv. 57). Safe-conduct.

A person who has received a safe-conduct for ten persons, "of whatsoever estate they may be," may not include among them a greater personage than he himself is (iv. 58). The Prior sarcastically hopes this opinion at least may be agreeable to men of arms, "for it is thair plesaunce erar to fynd faultis na seurtee in all maner of sauf condytis na seurteis." Any person who ventures into an enemy's country on the strength of a safe-conduct from an officer of insufficient rank, and is taken prisoner, has no redress or claim against the officer for the amount of his ransom, unless the officer has held himself out to have special powers of protection (iv. 59).

It is for certain causes only that a binding safe-conduct may be given to enable a king of the Saracens to come into a Christian land. It may if he comes to ransom his brother, "mak his finaunce"; or if the king who grants the safe-conduct would treat for the release of his brother taken in war with the Saracens, or that the Saracen comes intending to embrace the Christian faith. But he must not come accompanied by any force. And if he come on any errand from which we may not profit, he may be treated as a common enemy, like any heretic, schismatic, or Lollard (iv. 105).

Bonet's advice is that no great lord should trust himself in his enemy's power, even under a safe-conduct (iv. 104).

Ambassadors and all their goods and suite are inviolate, nor while they are ambassadors are they amen- Ambassadors.

able to the courts of the country to which they are sent for private debts, &c., or previous misdeeds, nor liable under letters of marque. But if, while ambassadors, they are guilty of any fault, they may be punished; for an ambassador to introduce spies or the king's enemies is a great excess and misgovernance (iv. 95).

Pilgrims. Pilgrims during their pilgrimage are reputed as kirkmen, and are under the Pope's protection. They should pay neither "toll na teme, na custom na payage"; they need no safe-conduct, and cannot be taken prisoner (iv. 98).

Students at Paris. Foreign clerks who are in France for the purpose of study at Paris are not liable to arrest merely because their country and France are at war; but they may be if the King of France has specially forbidden them to enter the country, for it is not convenient to have foreigners in the country at such a time (iv. 85). The student who may come may bring his servants with him if they are not objectionable in themselves (iv. 86). His father or a brother, or other servant of his father's, may visit him if he is sick and bring him necessities (iv. 87, 88). The Prior observes that men of war may not like this doctrine; but he is firm, and adds in the next chapter that the student and his servants and friends who come to help him are also free from the liability to be arrested under letters of marque, it being always supposed that "there be na trompery" (iv. 89).

Prisoners. A commander taken prisoner by a common soldier is the prisoner of the chief who pays the soldier (iv. 14). By the old laws the victor might enslave his prisoners, but these laws were not in use in Bonet's time among Christians (iv. 45).

A man may slay a prisoner in battle when he is "newly tane," but not afterwards, unless the prince thinks that otherwise the war will be continued, as when the King of Naples ordered Corradin to be executed (iv. 13, 46). A prisoner ought to have mercy and protection, and treatment according to his station. If his captor demands a ransom from him, or the costs of his entertainment, he should do so courteously, and not ruin both the prisoner and his friends (iv. 13, 47).

If one baron, in defending himself against another, takes his assailant prisoner, he may hold him till he can get justice awarded him by the king. But if he himself has jurisdiction in the place where he holds his prisoner, he may judge him himself. If he be a kirk-man or have no jurisdiction, he may put him in the kirk prison till he gets redress (iv. 43).

A prisoner of war may lawfully escape if he can, unless he has given his word that he will not attempt to. So also he may if his captor treat him with severity beyond "lefull and resonable prison," or put him in danger of death or life-long disease, or have the reputation of keeping his prisoners till they are ransomed or die (iv. 55).

If his captor take his oath to keep prison, and then put him in "firme prisoun," he may lawfully attempt to escape (iv. 56).

Prisoners of war, however, are not ordained to be led to hunting and hawking, nor to play at chess or tables in taverns, halls, or chambers. Nevertheless, a noble knight that has always conducted himself nobly should be held in free prison "with plesaunce, and disportis, and blihnes, festand him for honour of nobless" (iv. 56).

A prisoner who is enlarged for the gathering of his own ransom, and on oath to return unconditionally if he fails, is not beholden to return unless he is assured of his life. His ransom he ought to pay of course (iv. 60).

An insane person, if captured, should not be kept prisoner, but returned to his friends (iv. 90), even if he have recovered, for a custody which began ill cannot mend through process of time. He may, however, in the last case, be required to engage not to fight again during the war (iv. 91).

A man may be held prisoner though he is too old to fight, for "quhilum ane aulde man in his counsale is worth ane hundreth in dede" (iv. 92); otherwise it is against all good faith and good custom to make prisoners of old men, innocent children, and women (iv. 93).

The blind, deaf, and dumb may all be held prisoners if they are implicated in the war; but by the law they are all of the class of persons to whom mercy is due (iv. 94).

The clergy are not liable to be made prisoners of war, nor included in letters of marque, nor to be punished at the hands of temporal men; but if they have taken part in the war they may be imprisoned and sent to the Pope for punishment (iv. 96, 97).

Spoil.

The general rule that the spoil of the vanquished goes to the victor (iv. 43) applies to wars between cities such as Florence, Pisa, Genoa, or Venice, which hold of no sovereign (iv. 45).

Redress.

As the baron may hold his assailant till he get redress from the king (iv. 43), so if a thief attack me I

may take his "gere and his hors," and present them to the lord of the justice of that countree, and ask him law and resoun, and to mend my scathe (iv. 44). Failing justice, I may regain stolen property by force of arms. But if I do, I may not sue my debtor afterwards on the allegation that my spoil did not pay both my debt and the expenses of my warlike expedition. If, however, my spoil had turned out not to be my debtor's, but another's property which I may have to restore, then my civil action is not barred (iv. 51).

If a man who has been wounded pursues his assailant and kills him, he is liable to be punished, but with allowance for his provocation (iv. 70). Revenge.

Bodily strength is not a moral virtue, but between the two extremes, "fule hardynes" and "raddour," there lies a "vertu morale in the mydlyn way that is callit force of strenth"; this is the courage that knows when to assail or stand, fly or follow (iv. 11), and it is indeed one of the cardinal virtues, whether in the profession of arms or in others, for without it may a man not persevere in other virtues (iv. 12). The requisites of a good knight.

The courage, or hardiness, or steadfastness of a knight may come from several sources, but the best comes from the consciousness of a good cause (iii. 7). Steadfastness is the highest virtue in a knight (iii. 6). He should die rather than fly (iii. 8).

The duties of a knight are to keep his oath and to be obedient: he loses his head who rebels (iv. 8). A knight ought not to engage in monetary affairs while the war lasts; if he does, all his gains should escheat to the lord in whose pay he is (iv. 8). The knight's duty.

A knight may be punished if he rebels, leads a flight, Offences.

deserts his leader, reveals secrets to the enemy, strikes the provost of the host—called in France the Provost of the Mareschaulis, and in Scotland the Constable Depute. "He tynes the hede that dois" any one of these things. If he strikes his fellow without a cause, imperils the concord of the host, defends not his captain, leaves his place to win glory for his own sword (see also iii. 9), obstructs peace-making, fails when he might staunch a feud—for these things he is also liable to capital punishment. He who slays himself "aw to tyne his hede," and the knight who leaves the host in time of assembly or before his term of service is over, should be dismissed on foot as a "fut grome" (iv. 10).

Laws of
warfare.

War is for the common profit. In the prosecution of it, all craft and subtlety short of "faith-breaking and syn-commytting" are lawful (iv. 49). A battle may be lawfully fought—if it is for the common profit—on a day of a Church festival, even though it be Easter Sunday or the Eve of Lent (iv. 50).

Rights
against
neutrals.

It is apparently on the same principle of common profit that a king going to assail another is entitled to pass through neutral territory by the "common way of passage," if he promise to pass "soberly and curtaisly"; and he is not obliged to give hostages for his conduct beforehand (iv. 61).

Truce.

A truce, says Bonet, is a king's assurance in which, as the authorities say, are three points: 1, it assures the persons of those who are at war; 2, it assures their goods; 3, it gives good hope of peace. For the last reason specially a truce should be observed honourably. If a town is captured during a truce, it ought to be restored again; for a king's word is a great thing, and

should be "traist as stele," and to break his truce is an unmeasurable disgrace to the realm (iv. 102). The breaker of a truce is liable to be put to death (iv. 103). If one of two parties to a truce break it, the other is free of it (iv. 106).

Letters of marque are measures of force, a kind of Marque. war. Bonet says they are not to be found in the written law, for by no good law nor reason may an innocent man be made to suffer for another man's trespass. Yet kings and princes sanction these letters, and by the means of this unrighteousness there comes, he admits, "*quhilum resoun that ellis wald nocht cum.*" Still the Prior hopes that kings will not grant letters of marque without examining the case, stating the facts to the ruler of the state in which the debtor lives, and asking redress (iv. 78, 79, 80). Only a sovereign lord may grant letters of marque (iv. 81), and he may grant them to subjects only (iv. 84). Ambassadors, clerics, pilgrims, and students at the University of Paris are all exempt from arrest under letters of marque. If a cleric is indebted to a knight and won't give satisfaction, the Pope is the judge (iv. 97).

Trial by combat is expressly forbidden by God's law, Trial by
combat. and by man's in the common and civil laws, and by the law of nature (iv. 110). But the world has sanctioned it for certain cases. Thus 1, if in time of peace a Frenchman slay an Englishman, and allege that he did it in self-defence, but there is no proof, combat is allowed (iv. 111). Or 2, if in time of truce he wounds him, pleads self-defence, and again there is no proof, combat is allowed (iv. 112). These two cases are all that the Prior finds in the ancient laws of the Emperors. He finds,

however, a number of cases in which similarly, on failure of evidence, combat is permitted by the *Leges Extravagantes* of Lombardy. With these he continues: 3. When a man avers attempts made to poison him or subtilely put him to death, he may offer battle in proof of his accusation (iv. 113); or 4, accuses his wife of devising his death, her relatives may defend her by battle (iv. 114). 5. If a man be slain secretly, and vehement presumption points to the slayer, and he, when he finds he "*mycht na farthir*," confesses the deed and pleads self-defence (iv. 115), or 6, whether in peace or war, or truce, if a man has slain another "*murtherably*" and secretly, and pleads self-defence, he may offer battle in proof (iv. 116). 7. If an heir be suspected of being the cause of the death by which he is *lucratus*, any of the relations of the dead man may challenge him (iv. 117). 8. A bondman, or his lord for him, may defend by battle an accusation of theft which may not be proved against him by open proof (iv. 118). 9. A man accused of adultery may offer battle (iv. 119). 10. A relative of a woman whose honour is impugned may claim to clear her by battle (iv. 120). 11. Possession for thirty years of any property may be challenged if the assailant offers battle. Bonet has already declared his disapproval of all the laws admitting of trial by combat; but he does not mention this last without repeating that all divine and human laws are against it, "*for the tyme prescrivis of lawe*" (iv. 121). 12. On a conflict of evidence, and on one witness accusing the other of varying from the truth for "*favour or fede, or aw or mede*," may offer battle (iv. 122). 13. A creditor whose debtor has died, and who has lost his document of debt, may offer battle when refused pay-

ment by the heir (iv. 123). 14. An accusation of secret fire-raising may be supported by offer of battle (iv. 124). 15. A relative of a woman who is accused by her husband of "ony crime of adultery" may offer battle in proof of her innocence (iv. 125). 16. If a man declare that his wife has been defiled against her will, any one of her brethren or cousins may offer battle in disproof of it (iv. 126). 17. A man accused of perjury may defend himself by battle (iv. 127). 18. Both accuser and accused may offer battle when the accusation is of false and evil possession of anything (iv. 127).

It is said that trial by combat may not take place before ladies; but, in absence of the king, it may lawfully be held before the queen-regent, as it is one of the duties left to her. Any woman also may be judge in her own lordships (iv. 108).

Bonet gives six rules for battle in lists: 1. No prince should preside over a combat without help of doctors in canon and civil law. The clergy are the best assessors in judicial cases, for they are more serious and cooler in the head than temporal men (iv. 148). 2. The prince should examine into the case, and try to decide it by any knowledge that can be gotten by any way in the world before he remits the case to be tried by battle, and should assign a day for proof before the judge-ordinary (iv. 129 and iv. 149). 3. It is only on failure of other proof, and on oath by the party that it cannot be brought, that battle may be admitted (iv. 150). 4. The prince should have the matter at issue skilfully laid before him, and judge of its reasonableness before he admits the combatants to battle; and if the matter is trifling, he should, instead, punish the triflers. It would

Rules of
the Lists.

be trifling to offer to wage battle to prove if there are fairer ladies in Florence or Barcelona, or to show which combatant dances or sings best (iv. 151). 5. Words spoken in heat are not ground for battle, but only if they are injurious or incriminating, and are persisted in after the anger is past (iv. 152). 6. The prince should have the parties warned of the danger to body and soul which they encounter, and urge them to be well shriven and to make their wills before entering the lists; and if either refuses, he should tell him he is no Christian, threaten that he will favour him the less in consequence, and then give him time to repair his omission (iv. 153).

A party who offers battle may withdraw at any time before gage of battle, which is tantamount to *litis-contestation*, is given, after which he cannot withdraw without leave of the prince and agreement of the other party. But princes and judges should always be ready to bring about peace (iv. 137).

Combat by deputy is allowed where the party is too old or too young to fight in person, or is sick, or when it is the custom of the country, or if it is against policy or propriety that the principal party should fight personally. Persons of dignity should fight by champion. A cleric should not fight personally, and need not by deputy unless he chooses (iv. 128).

Champions must make oath of their belief and of the facts before they are admitted to fight—the oath of calumny (iv. 129). Any one may be a champion if he is not infamous (iv. 130). Champions may not fight save in close field and in presence of a judge, for the case appertains to the prince (iv. 130).

When the champions are within the barriers and the cries are made, they say on the prince's behalf, "Lat thame ga togeder, and do thare devoire! God schaw the rycht!" This is the signal for the fight (iv. 132); and "fra the cry be made, there na man speke, na takin na signe mak, undir grete paynis," without leave of the prince (iv. 130). The cry, "Horo! horo!" by the prince is the signal for stopping it (iv. 133). If the battle is not decided on the first day it should be continued on the next, "for all justice is sett with continuacioune of dais," "and it is understood in all bataill clos that it suld ga to the utterest." But the prince or friends may intervene and procure accord between the parties (iv. 132). If the prince in stopping the combat give the victory to one and spare the life of the vanquished, it does not deprive the victor of a right to expenses and damages from the vanquished (iv. 133). But a man who is vanquished in a trial by combat and punished is not liable to be brought into a court of justice for the same offence (iv. 134). The party who is vanquished and confesses his fault within the barriers should have the principles of the law of talion meted out to him—viz., the punishment that the other should have had if he had been vanquished (iv. 136).

The defender need not allow the prover the first stroke. The analogy of a court of law is not complete, for "men commonly sais that word is as wynd, but dynt is as devill." The Prior trusts, however, that the defender should wait till he sees the prover step forth to come toward him before he begins the conflict on his part (iv. 132).

If a champion break his sword without fault of his own, he should, thinks Bonet, have another brought to him (iv. 131).

The Em-
peror.

Bonet makes his book the opportunity to set forth the results of his reading and thinking on several matters which are only related to war from their being subjects of controversy, or matters in which the practice conflicts with the theory. With the case of the Queen of Naples in his mind, he says that a sovereign whose kingdom is subject to the Pope may adopt an heir to his throne with the Pope's consent; or, as he says in another sentence, the Pope may alter the succession with the sovereign's consent (iv. 109). He has a small opinion of Emperors; but he says that the Emperor, since he is the highest in temporal dignity, should be highest in virtue, justice, equity, and bounty. He should not attain his position by force, simony, or schism, nor set himself to buy the Electors of the Empire. After enumerating the Electors, Haye leaves a space for the mnemonic verses which contain the names in Latin in most versions of Bonet's work. They are "memourit bot nocht writtin." He possibly meant to offer a versified translation of them when he had had time and opportunity to compose one. But the lines have afterwards been added, in a Latin version, in the handwriting of apparently Sir William Sinclair, Justiciar of Lothian. Bonet is in this context entirely a Pope's man. After the election, the Emperor, he says, presents his election to the Pope for confirmation, and asks for the Crown Imperial. The ceremonies are rehearsed with care—the triple crowning, the oath to the Papacy, &c. The

Emperor should not stay in Rome more than one day and one night. Bonet confesses he cannot find this regulation in the written law. The Emperor should go to Mons Laurus, and there he should say "with ane hye voce, 'All that we se is ouris.'" It is natural that a priest in Bonet's day should accept the false decretals as true, and the Prior does so.

The Emperor may bequeath his movable property, but not the heritage of the Empire: it goes by election only, and is subject to papal confirmation (iv. 154). As we have just seen, the Prior does not apply this doctrine to the elective Papacy (iv. 109).

Whatever the authorities say, the kingly title comes Kings. only next after that of emperor. A kingdom is presumed to contain ten or twelve great cities, and as many princes with their subjects (iv. 155). Bonet finds the first necessity is that the king should come to his realm with a righteous title of possession. From this necessity he seems to deduce the idea of primogeniture. As was natural in the circumstances in which Bonet's book was written, he did not close it without a long narrative of the qualifications of a king: wise, virtuous, devout to God and the Church, well seen in the art of governing, keeping what is his own, and rendering to all others theirs (iv. 155). Bonet has not seen so high justice among the Christians as among the pagans; but clemency, not justice, is after all the fairest point in a king's crown. The Prior is not afraid to lecture his liege lord on temperance in spending, in eating and drinking and talking, and to have a solicitous care in the management of his temper and in the wording of his letters, and,

like the great Saladin of Babylon, not to appear too freely in public places.¹

"Bot, in gude faith, the doctour sais that he was sa irkit of wryting that he mycht nocht, as now, na mare tak on hand as to put in this buke of bataillis." Some day, if God give him life, he will write a treatise on the qualifications of both temporal and kirk men.

Meantime Haye has forgotten the colophone with which he began, and says that Bonet wrote his book just ended for King Philip of France, not Charles (iv. 155).

The foregoing paragraphs are but a bare outline of the conclusions which the Prior presented for the consideration of his king, Charles the Well-beloved, and his countrymen, and which he accompanied with much wise and sometimes curious reasoning, prejudiced at times, perhaps, but always leaning to mildness and moderation. Here and there only does he mention his authorities by name—Plato, Orosius, "Valerius the Noble," St Gregory "in his buke of his moralities," Vectoit, "a notable doctour callit Tholomeane" (Tolomeo de Lucques), or Martin, "a doctour of Rome" (Le Polonais)—Aristotle is of course in no need of naming; and others are elsewhere as conspicuously contributors to the Prior's expressions. Had he uniformly named the authors whom he follows or controverts, his work would have been a veritable digest of the mediæval literature on his subject.²

¹ It may be observed that Haye, though, as we judge from his 'Alexander,' he was well able to write in verse, here again omits an opportunity to exhibit his dexterity. He translates into prose a set of verses in French consisting of eight lines (a b a c b c c b), which occur in this chapter in his original.

² The reader who desires to study Bonet's historical position as a jurist and moralist is referred to M. Nys' works already cited.

It was not to be expected that the Prior should be systematic, as we expect such writers to be at the present day, and the less so that in a great part of his undertaking he is concerned with points of law that were disputed rather than with the main body which was settled. His search after that part of the law for the general government of the world which is concerned with the relations of man is thus by no means separated from his treatise on the practical applications of that law, or the rules of man's own devising.

Haye's translation, in spite of certain passages of doubtful import which it contains, and some obvious and unaccountable errors, conveys no unfair or inadequate notion of its original.

Fol. 1.

Here begynnys the rubryis of the first party
etc. be the quhilkis men may better knaw the
process of the said buke and of every chapter
specialy
20 I N the first chapiter he speris quhat thing is
bataill j

2 THE BUKE OF THE LAW OF ARMS

The second chapter is quhare was first foundyn	
bataill	ij
The thrid is of the tribulaciouns of the kirk by	
passit	iiij
The ferde is of the first angel	iiij 5
The fyft is of the tothir angel	v
The exposicioun apon the tothir party of the	
visioun of Sanct Johne	vj
The thrid angel	vij
The ferde angel	viiij 10
The fyft angel	ix
And 3it spekis he mare furtherly of the visioun .	x

Expliciunt Rubrice Prime Partis etc

Sequitur Prologus in breuibis

HERE folowis the proloug of the said buke in termis 15
as the forenamyt doctour /. Bonnet Priour of Sallon
maid his first intitulasioun and prohemium / and syne
efter sall folowe the principale parties of the buke fore-
namyt / translatit be me Gilbert of the Haye Knycht /.
maister in arte and bachilere in decreis / Chaumerlayn 20
umquhyle to the maist worthy king Charles of Fraunce /
at the request of ane hye and mychty Prince and worthy
lord. William erle of Orknay—and of Cathnes / lord
Synclere and chancelare of Scotland. in his castell of
Rosselyn. The 3ere of oure Lord a thowsand four 25
hundreth fyfty and sex /

Fol. 2.

Prologus

TO the haly croun of Fraunce in the quhilk this day
regnyis Charles the Sext of that name / the quhilk is
lufit and redoubtit our all the warld be the ordynaunce 30
of God. Regn // Till him be gevin honoure lof and
glore abune all erdely lordschippis maist hye prince I

am callit be my richt name /. Bonnett priour of Sallon
 doctour in decreis /. The quhilk I have had mony smale
 thoughtis And gude will to mak sum buke /. first in the
 honoure of God and of His suete moder and of ȝour
 5 hye lordschip /. And the resouns quhy I have under-
 tane to mak this buke / ar gude yneuch as semys me
 And first and formast / for quhy that the state of haly
 kirk is in sik tribulacioun that bot gif God oure lorde
 set sum gude remede // the quhilk was wont till mak
 10 gude cheuisaunce and gude end /. in that mater be the
 brether of the faith aventureris of the christin faith //
 I can se be na way se that it may wele be // bot gif
 thare be sum gudely way of acordaunce fundyn and
 sone The secund caus is and resoun ffor I se all cristyn-
 15 dome sa grevit / and stroublit of weris discensiouns thiftis
 and reveryis haterentis and envyes that men kennyis
 almaist na realme in cristyndom bot it is in were //
 Thrid resoun is for quhy that the land of Provence of
 quhilk I am borne and upbrocht /. is sa turnyt now for the
 20 renewing of new lordschip /. And for divers opyniouns that
 ar amang lordis and the communitis / that with grete
 payne may ony wys man here it be rehersit the mekle
 sorowe that the commouns sustenis for sik debatis /. The
 ferde resoun for quhy that mony notable clerkis the
 25 quhilkis wenys thai understand wele the glosyng of
 ancien prophecies /. sais that it sulde be ane of the hie
 lignie of France / the quhilk suld sett remede in all this
 thingis. and put this travailland warld in pes and rest /
 that now is put in grete pestilence /. And for this caus my
 30 curage has gevin me to mak sum newing of thing till
 enforme ȝour ȝouthede of mony syndry knaulagis of haly
 wrytt Sa that ȝour curage suld be movit the mare to help
 to sett remede in the haly cristyn faith the quhilk is in
 poynt of perising / and geve it socour And to geve ȝow
 35 corage for to do in sik maner / that the prophecyes the
 quhilkis ar presumyt to be understandin in ȝour persone

4 THE BUKE OF THE LAW OF ARMYS

maist worthy be verifyit in 3our maist noble and worthy
 princehede / throu 3our notable and haly workis / And
 forthy / I mak 3our hienes hertly request and supplica-
 cioun / that nathing that I sall put in this buke / ye dispris /
 na lichtly ffor all that I here say / takis foundement of 5
 haly writt and of the decreis and lawis canoun and civile
 and philosophy naturale / that is natural resoun / the
 quhilk buke salbe callit the floure of bataillis or the tree
 and syne mon I pas to my werk / And tharefore is thare
 cumyn to me sik ane ymaginacioun that I will ger mak 10
 a tree / the quhilk sall bere bot fruyte of sorowe as men
 may se that all the persecuciouns of the kirk and contreis
 beris bot fruyte of dule and dises departit in four partis /
 as is before said on the quhilkis four partis / the divisioun
 of oure buke salbe foundit / etc. 15

Explicit Prohemium.

[THE FIRST PART.]

- SEN it is sa that apon this mater / the quhilk may be
 lyknyt till a tree / that may bere na fruyte / bot fruyte of
 dolour and dises / we see twa partis principale / amang
 the quhilkis is grete discorde discensioun and were /. first
 5 apon the haly kirk and the fredome of it /. as apon the
 pape / and the sege of Rome with the fredomys /. And
 apon the tothir part / we se / how amang kingis and
 princis / and temporale lordis thare is rysin sa grete dis-
 censiouns discordis and weris / that the brethir of the
 10 fayth- as nobles / men that wont was to be werreyouris
 to defend the kirk ryght / ar now rysyn agayne the com-
 mouns / and comoniteis agayn thame / that grete dule is
 to see /. Quharfore this buke may wele be comperit till a
 tree quhilk beris na fruyte bot fruyte of dule etc.
- 15 The quhilk better and mare clerely till vnderstand / we
 will mak first certane questiounis pertenant to the mater
 be maner of figure And first and formest / the first ques-
 tioun is /. quhat thing is bataill /. The secunde questioun
 is / quhare was bataill first foundin /. The thrid questioun
 20 is Quhen and how it was first approvit here /. The ferde
 questioun is quheythir bataill be lefull to be done /. To
 the quhilkis questiouns I will ansuere or I pas furtherlyar
 to speke of this mater / And as langand to the first
 questioun that is / for to say /. quhat thing is bataill /. I
 25 ansuere as efter the opynioun of doctouris in the law
 civile / that bataill is nocht ellis bot a debate / throu
 the quhilk men settis thair entent / to reforme throu

Primum
capitulum.

6 THE BUKE OF THE LAW OF ARMYS

fors of armys a displesand querele of wrang /. to ger it
retourn to resoun be ordour of lawe of armes quhare
othir witnes failis—that is to say bataill of ordinaunce

Secundum
capitulum.

AND as langand the secounde questioun /. that is to say
quhare was bataill first fundyn. To the quhilk question 5
I ansuere thus / that it was fundyn in hevin / And in
this maner / first quhen the grete God fader of hevin
maid the angelis / he maid ane sa faire / and sa glorious-
that throu the grete beautee of him / he passit all the
angelis- and other creaturis that evir God maid in 10
beautee / and tharfore was he callit Lucifer quasi ferens
lucem /. the quhilk for his grete beautee schynit sa
before all otheris under him as dois a grete torch be
a small litill candill that the schynyng of the licht
that come fra him- disteyn3eid all the lave in clerenes 15
of schynyng / that thai semyt all dym in the regarde of
him. The quhilk quhen he sawe him self sa faire / sa
noble and sa relusand before all the lave / he miskend
himself / and for3ett / quha had gevin him that grete
beautee and fairnes /. thocht in him self / he had na pere 20
in hevyn bot God himself it war / and said that he suld
ascend in the hiest stage of hevin / and thare in the
north partis he suld sett his sege and suld be like to
the hiest God /. And with him was consentit till his
acorde grete nombir / And alsa sone as he had maid 25
this enterpris and his anerdaris was consentit / and maid
thame tharefore / oure Lord God Almychty quhilk kend
his thocht / and his purpos / ordanyt the bataill aganis
him and his complicis / send Michael his angel with sik
a power of gude angelis that was nocht of thair partye / 30
And gafe him bataill and discomfyte him and all his
anerdancis /¹ and gert thame wend doun wter the waye
till hell, quhare he is 3it principale inymy till all man-
kynde, and adversare till all thame that God lufis, as is

Fol. 3.

¹ On the punctuation of the MS. see Introduction.

recountit be Sanct Gregore the haly doctour in his buke
of his moraliteis. Quharfore it suld nocht be grete mer-
vailis to se grete weris and bataillis in this warld here, sen
bataill was first maid aganis God himself in hevin. The
5 quhilkis we mon now se how weris and bataillis ar first
begonnyn in this warld. And tharfore, be caus it is
mare mervailous and perilous thing, the weris that is
maid agayn the haly kirk and the Cristin faith, we
will first speke of thame, and first and formest of
10 the grete weris and persecucioun that othir tymes has
bene movit agayne haly kirk in begynnyng of the faith.
And be caus it war our lang and prolix thing to
count all, I will tell bot of the maist notable and grev-
ous thingis that in thai tymes hapnyt, and first of thame
15 that was before the Incarnacioun, as of Moyses weris
that he had for the defens of the barnis of Israel quhen
thai war sa lang haldin in the subjeccioun of Pharaoun,
the quhilk walde nocht thole thame to pas throu his
boundis, thai doand him na scathe. And ȝit efter, quhen
20 the peple of God was wantoun, efter that he had send
thame all thair desyris, ȝit maid thai a calf of gold and
anournyt it as a God, as is tald bathe in the bible and
in the buke of the decreis. And alssua the grete divi-
sion that was quhen the peple of Israel mycht nocht
25 get fra thai evill menȝe, the quhilkis was callit Jebusienis
that war fals scismatikis bot was haldin amang tham on
fors; alssua quhat scisme and mischef was in the tyme of
Abdom the prophet throu the fals treuth that the King
Jeroboam held, and als in the tyme that he was maid
30 King of Israel, and syne how Nabugodonosor maid were
apon the peple of Israel, and put thame in grete thraldome
and subjection, and ȝit was he nocht content to halde
thame in subjection and servitude, bot he gert thame
mak ane ymage of gold of his awne stature, and efter
35 his awin figure, and gert thame throu fors and maistry
anourne that ydole, as thair God. And alssua he gert

cast in the furnas the thre haly persouns Sydrak, Misak,
 and Abdenago, for thai wald nocht anourne that ymage.
 And syne gert destroye all Egipt, and mony othir con-
 treis, cruell thingis he wrocht agayn the peple of God in
 his tyme, the quhilkis war our lang to count. And 3it 5
 the scisme was nocht lytill that was maid in the tyme
 of Machamet, for he with his awin hand slew mony
 prechouris that gert men throw in that ymage, callit Arry,
 was God. And syne how in the tyme of Josue, quhen
 the fals syn of the tyran Achor gert all the peple be tynt, 10
 and put in the handis of thair inymyes, with mony othir
 scismes, and grete cruell iniquiteis quhilkis was persecu-
 ciouns of tyrannis agayn the faith, and the peple of God
 before the Incarnacioun of oure Lord Jhesu Crist, etc.

The thrid
chapter.

HERE thinkis the Autour to speke of the weris and 15
 tribulaciouns of the haly kirk, efter the Incarnacioun;
 of the quhilkis he sais that, quhen the Apostolis was in
 erde prechand, thai tuke na rentis na rewardis that men
 wald geve thame, bot anerly almous dede, of thing that
 belangit lyfing anerly, and all that remaynit thar-of was 20
 departit to the pure folk, and pilgrymis. In the quhilk
 tyme, the pape convertit sanct Tiburce, [and] sanct Valere
 be his testament, the quhilk was wele blawin the blast of
 the troump. Bot natheles, we mon here se how the
 visioun of sanct Johne, the quhilk sais that quhen the 25
 angel blewe the blast apon his tromp up in the ayre,
 thare was efter a frost mynglit with blude, be the quhilk
 we suld understand that be the frost is signifyit the hard
 hertis, and untrewre treuth of the pagans. For efter the
 rycht understanding of philosophy, the frost cummys of 30
 the erde, and is lifyt abune the aire and fresis in the
 aire be fors of calde. And rycht sa, the paganis quhilkis
 sen thai set nocht by the perdurable grace and gudeness
 of the faith, for the anerdaunce that thai have to the erde,
 has thayr hertis all frosyn and thair spiritis, that thai 35

- understand nocht the southfastnes of Goddis privetee. And as this frost, be the visioun, was entermellit with blude, the quhilk was wele approvit. For the untreuth of thame kest sik a frost apon the erde, that is to say apon
- 5 the cristin folk that is understandin be the erde, efter the wordis of the Ewangile, thai slewe sa mony haly marteris that it was mervuill. Bot quhat was of that, that the visioun sais, that the thrid part of the treis was brynt, and the thrid part of the blude was grene?
- 10 In that he schawis thre maneris of marteris, that is for to say, be the erde is understand the Apostolis, and disciples of God, and be the treis, thair successouris papis. The quhilkis had the faith fra the Apostlis, rycht as the treis has lyf and growth of the erde. And be the
- 15 grene blude is signifyit to us the marteris cristyn men, the quhilkis was nocht of sa hie meritis; and that may be schawin us thus, for the Apostolis war put to dede be sare tormentis and greuous, the quhilkis ar understandin be the erde, and the papis rycht sa, thair successouris, for
- 20 efter that, sanct Petir was hyngit be the fete at the commandement of Nero the Emperoure. The pape Lini, the first of that name had his hede strykin of, in the citee of Rome. And efter that ane othir pape was callit Clete was put to dede be the bidding of ane Emperour
- 25 Domisien. And syne the pape Clement, the first of that name was castin in the see and drownyt. And efter that, the pape Anaclete was put to dede, be the commandement of the Emperour Trayan, in the citee of Rome. And efter, sanct Calixte the pape was put to dede.
- 30 And efter him, ane othir that was hedit without the citee of Rome. And efter him, ane callit sanct Theolofre, the quhilk the Romaynis put to dede. And efter thai, come 3it efter that, all the papis that I sall efter name 3ow, that deid all of evill dede, that is to say, sanct Suerge,
- 35 sanct Prims, sanct Amset, sanct Sother, sanct Eleuther, sanct Victour, sanct Chesery, sanct Urban the first of

Lini
pontificum.

Alexander.

that name, sanct Pous, sanct Puriat, sanct Hancere,
 sanct Fabiane, sanct Cornele, sanct Luce, sanct Stevin,
 sanct Sixt the secounde, sanct Dany, sanct Felix the
 first in that name, sanct Ancere, sanct Melchides,
 monsieur Lucien, monsieur Gay. Alssua sanct Marcellin, 5
 and sanct Mercelle, the quhilk was all papis of Rome,
 and tuke all thair dede in pacience for the faith of Crist.
 And sa may men se that the thrid part of the treis was
 brynt, and the thrid part of the blude was grene. For
 all the cristin men that war undirstandin be the grene 10
 blude war all persewit and put to dede in grete quantitee
 in the orient be Dioclisian Emperour, and in the parties
 of the occident, be ane callit Maxymian. And sa is here
 now declarit to 3ow all the visioun touchand the first
 tyme of the soroufull persecucioun of haly kirk quhill it 15
 come to the tyme of sanct Silvester pape first of that
 name. And thus may na gude hert deny that wele
 clerely seis, na the haly kirk has bene in grete perse-
 cuciou of weris and grete tribulacioun, as apperis be it
 that said is, etc. 20

Thir xxxiiij
 Papis ves put
 to dethe.

Folio 4.

[Chapter
 IV.]

HERE spekis he of the first angel. Be the first angel
 is signified till us sanct Johne the Baptist, the quhilk
 brocht the gude tydingis cummyng of Goddis sone of
 hevin, For that is ane office of ane angel, to revele the
 secretis of God, and alsua to bring the hye new tydingis, 25
 the quhilk is verifit be the haly writt. For the prophetis
 callit him angel or he was borne, sayand—Ecce mitto
 angelum meum ad faciem tuam, etc. And the quhilk
 was said of sanct Johne the Baptist. Bot gif ony wald
 argewe this—sayand that how suld he be signified be the 30
 first angel and he was never pape, certayne to that may
 be ansuerd, for he had office of angel the quhilk trompit
 wele quhen he blewe his beme, quhen he prechit bap-
 tesme and penitence. And quhen he schewe with his
 fyngir the sone of God in figure of a lambe, the quhilk 35

- was send in erde for salvacioun of man. And also he had office of pape, quhen he reprovit Herodes of his brothir wyf. Bot efterwart be the first angel is understandin the sone of God the quhilk he denouncit, the
- 5 quhilk Goddis sone trompit wele with his beme, quhen he schewe to mannis sone the cristyn faith, and gave us knaulage of the haly Trinitee, and of the secretis of the fader of hevin. For quhill the sone of God come in this erde, we wist nocht that the sone of God and the haly
- 10 gaste bathe wes in the fader. And the fader allsua is in the sone. And efter that, he trompit nocht small, quhen he send his Apostlis our all the warld to ger schawe the cristyn faith, and preich it, be the quhilk he schewe him self to be pape and soverayne chaplane to God, for sa
- 15 sais the haly scripture. And efter him, was pape sanct Peter, the quhilk trompit wele with his beme quhen he with his epistlis that he send our all the warld of the faith, and with that send his disciplis and convertit realmes and regionis, the quhilk send sanct Julian, sanct
- 20 Appollinar, sanct Marc, sanct Sexte, with mony ane othir. And syne efter that, the haly man sanct Serge the pape trompit wele with his tromp, that send the articles of the faith our all realmes. And namely of the haly Trinitee. And for caus of irking of lang process, I
- 25 will pas mare lichtly our of all the papis that was in the first tyme of the sevyn angelis—the quhilk ilke man did sum thing, that was mekle to lowe and to pris, to the growing of the haly cristyn faith, as was sanct Urban the first pape of that name, the quhilk trompit rycht
- 30 wele, quhen he convertit and baptisit mony paganis, and was the first that ever tuke rentis and possessiouns temporale in the name of haly kirk. For before that, all the haly kirk was bot uphaldin apon thair teching, quhill that was accomplisid. And than, in the tyme of the
- 35 Emperour Constantyne, quhilk was the first that dowit haly kirk, the cristyn faith grewe in sic hicht, honoure

The Distruc-
tion of the
haly kyrk
of rome.

This Em-
perour.

At this tym
ane voce
cryit abuf
the castell
of roim.

and worschip, that the devill that had persewit it before
tyme mycht nocht suffer it, bot sett him at all his power
to debate agayne the lawis. And that was ane of the
partis of the visioun of sanct Johne, quhen he saw the
birnand hill castyn in the see, quhilkis sanct David 5
apprevis in his buke of psalmes, be the quhilk moun-
tayn ardent, is understandin herisy, the quhilk sanct
David sais In the name of haly kirk I have my traist in
God, and quhy suld 3e synnaris than pas up in the hill
anerly as a lytill sparow allane? To the quhilk sparow is 10
lyknyt ane herityke. For be the maister of proprieteis of
bestis, the sparow is a lytill foule janglare, the quhilk
lyfis on sedis that ar poysoun till othir foulis, and sa may
it be likenyt till a man that levis the way of veritee and
of gude faith, and traistis to lollardis and fals prechouris 15
and takis to his fude the sedis of errouris and herisy, and
passis in the birnand hill allane solitare. And thus may
men here how this birnand hill may betakin fals doc-
tryne of errour and herisies agayn the cristyn faith. Bot
the storye sais that the hill was castyn in the see, that is 20
to say, in the haly wrytt that may be undirstandin be
the see. For as the see is bathe depe and braid, that nane
can get the mesure of nouthir lenth na brede na depenes,
sa is the faith. And as of the see departis all othir
wateris, sa out of haly scripture departis all othir science 25
that is in this world. And rycht as the see is foundit
apon the ferme erde, depe and sad unvariable, sa is the
faith foundit apon the sothfastnes of haly wrytt, quhilk is
the ferme ground of veritee. And as to the see agayne 30
passis all wateris, sa dois all sciencis in this world re-
doundis agayne to haly scripture of the cristyn faith that
ar foundit apon veritee. And now, as the tothir party of
the visioun, how the thrid part of the see was as blude,
men suld understand that the haly scripture has four
maneris of understanding. The first is efter the letter, 35
and the tothir is entermellit, the quhilkis clerkis callis

Secundum justum, the rycht witt. The thrid is carnale, that is to say, fleschly; that takis of the morcell flesch a remorde, sa that it may nocht perfetely understand southfastnes of haly scripture, be the quhilk we have the
 5 knaulage of the Trinitee. And thus be the visioun, the thrid part of the understandaris of the faith takis ane evill carnale fele, that is fleschly, the quhilk lettis to have perfyte resoun of grace to understand rychtwisly, and dampnis thair saulis perpetually. For carnale affec-
 10 cioun will trow nathing bot it that nature schawis thame, outhir that thai may se or here, or fele. Bot the faith dois nocht sa. For the faith has na meryt quhare resoun naturale may have knaulage, bot anerly that gude faith gevis be treuth.

15 **H**ERE folowis of the secund angel, and how he blewe [Chapter V.] his blast with his beme, efter as sais the story of the Appocalips, and of the visioun of sanct Johne, how he thocht, be his avisioun, that a grete hill all birmand was castin all in the see. And sone efter, him thocht that
 20 the thrid part of the see was lyke to blude. And alsua of all the lyfand thingis that was in the see, the thrid party deid and was dede, and the thrid party of all the schippis in the see was drownyt and perist. Anens the quhilk avisioun, men suld understand, that sen the
 25 fende fell out of hevin, evermare has forsit him to mak divisioun in haly kirk. And first he did his power to put it doun, with help of princis of the warld, and othir lordis, as 3e have herd in the first visioun. And quhen he sawe that he come nocht to purpos in
 30 that maner, be caus that the maa thare was of marteris, the ma thare was of miraclis; and the maa miraclis, the starkar was haly kirk. For ay the faith grewe starkar and starkare. And quhen he sawe that he mycht nocht in that maner spede, he sett him in ane othir maner
 35 fassoun to procede, that is for to say, to saw errouris

Folio 5.

Nota Pon-
tific.

and herisies in the faith. And tharfore sais sanct Johne that the secound angel blewe wele in his beme, the quhilk secound angel is callit sanct Silvester the haly pape, the quhilk blewe a grete blast, throu the quhilk blast, that is to say, of his preching, he convertit to the 5 faith sanct Constantyne the Emperour, ande gave him the haly creme of the haly baptesme, the quhilk Emperour with sik devocioun lufit the haly kirk, and the cristyn faith, and sa mony grete privilegis gave to the kirk, and sa mony landes lordschippis and othir 10 doweries dowit it with, that it apperis 3it our all othir; and gave the pape his awin propre palace of Rome callit the palace of Latranene. And syne efter, gave him his awin propir croun of his hede that is callit the dyademe, and all the lave of the ounementis of the 15 Emperour, with the round pavillioun, with all estatis, as is contenyt in the decreis, etc.

THAN is it spedefull to se quhat scismes has bene, and quhat divisious be scismatikis, efter the Incarnacioun of oure lorde, and be quhat personis thai war maid and 20 brocht till end. For traistis wele that but grete weris, grete heresies, and grete scismes, it has nocht restit lansomly sen syne, the faith of God mayntenyt sen his birth hyderwart. And tharfore, hye and mychty lord, in samekle that I wald 3e had sum understanding thar 25 of, as langand haly wryt, I sall touch 3ow sum part of a visioun, the quhilk Sanct Johne the Ewangelist sawe in the Ile of Pathmos, and suppos it be sum part subtile to understand, settis nocht by; for the haly wrytt may nocht be wele understandin but study. And with that 30 I sall put sik thing langand warldly understanding, that resoun is that haly wrytt be mellit tharewith to verify it. And tharfore 3e suld knawe how sanct Johne was banist in the said Ile. And thare oure lord Jhesu Crist forjett him nocht, bot visyte him oft tymes and reconfort 35

him of his gudely grace rycht tenderly. And sa befell
on a day, he saw vij angelis with vij bemes in thair
handis, and maid thame all redy to blawe the bemes;
of the quhilkis the first began to blawe and than apperit
5 a mervailous visioun till him. For he thocht that thare
was a grete frost in the ayre all mellit with blude, the
quhilk bludy frost was castyn upon the erde, and the
thrid party of the erde was brynt, and the thrid part of
the treis, and all the blude was brynt. Bot first, or I
10 declare 3ow this visioun, 3e mon understand quhat the
sevin angelis betakenis, of the quhilk 3e sall witt that the
sevin angelis signifyis the sevin partis of the tyme that
the warld sall lest; and at the hyndmaste sall the warld
tak end. And sa understude sanct Paule in his wryttis,
15 sayand that the last tromp, that is the last beme, salbe
the resurrexioun generale. And thus be this, suld we
understand that be thir sevin bemes is signifyit sevin
differencis of tymes that sall ryn durand the tyme fra
oure lord Jhesu Crist tuke his Incarnacioun. And
20 allsua suld we wit, that be thir angelis is understandin
the papis, the quhilkis ar the soverane chaplanis of the
cristyn faith, and sa may it wele seme to be callit, for in
haly wrytt God callis the prestis angelis. And sa sall
3e knawe that, be the first angel, is understandin the
25 passing of the first tyme of the cristyn faith. And be
that angel is signifyit to us all the papis that was in that
first tyme; that is to say, sen the tyme of sanct Johne
the baptist, that was signifyit be the first angel, to the
tyme of sanct Silvester, the quhilk was signifyit be the
30 secound angel, as clerely apperis before.

HERE expoundis he the secound party of the visioun,
the quhilk said that the thrid part of all the creaturis
quhilkis had saule and lyf in the see war dede, the
quhilk was wele trewe. For nocht allanerly thare was
35 dissavit symple folk in thai tymes, bot with that mony

[Chapter
VI.]

notable and gudely clerkis of hie science, the quhilkis
 had the grete dignities in haly kirk—be the quhilkis
 clerkis was understandin the grete schippis that was
 perist in the sea the thrid part of thame. And lo how.
 For thare was in thai tymes mony fals heretykis that 5
 pervertit bathe mony symple folk that was in the see,
 that is for to say, in the faith, and mony grete clerkis,
 that was mony schippis in the see alssua—the quhilkis
 heretykis was callit thir namys that efter cummys; that
 was ane callit Manes, quhilk had under him a menze 10
 callit Mamseus, ane othir was callit Arrenes, and Do-
 mastes, and ane was in Bertayne, callit Pellage, ane
 othir Precelin, in Spaynje, with mony ane othir quhilk
 lang war to tell. Bot ȝit may men geve thareto ane
 othir way of understanding, and that is thus. We have 15
 in the faith thre maner of schippis fletand. In the first
 ar men that ar in the state of grace, and ȝit ar persecutit
 with temptaciouns. The tothir schip has in it the man
 that synnis dayly in the commoun synnis of nature, as
 in the vij dedely synnis, and in the veniall synnis that 20
 commounly men schryvis thame of here, etc. In the
 thrid schip ar all thai that ar fals heretikis, and lollardis,
 and fals prechouris and techouris of errouris agayne the
 cristyn faith, quhilkis traistis nocht in the grace of God,
 na in his merci, bot has thair hertis sa hard that never 25
 will turne, bot lyvis in dispaire, and techis othir symple
 folk fals poyntis of the wrang errouris, the quhilkis tynis
 mony a saule. And thus the twa first schippis ar sauf
 throu confessioun contricioun and penitence. For nocht
 gaynstandand that thai syn, ȝit is that bot fragilitie, and 30
 brukilnes of mannis nature tyssit throu the thre inmyes,
 the quhilk the haly kirk throu the meryt of the passioun
 of Crist dispensis with, and thai ar sauf. Bot the thrid,
 that is to say, thai hard hertit heretikis and lollardis,
 quhilkis ar dispairit of the faith of God, traistand he 35
 may nouthir do thaim grace na merci, thai ar all drownyt

and sonkin in the see, that never mare may cum to salvacioun. And thir ar the campions that faucht dayly in bataill agayn thir fals heretykis, that is to say, sanct Augustyne, sanct Jerome, sanct Ambros, sanct Innocent, sanct Gregore the worthy and haly doctour, with
 5 mony othir quhilkis warrayd the inmyes of the faith. And thus quhen the devill sawe that he mycht nocht bak the cristyn faith throu that maner of temptacioun, agaynis thai noble pillaris and warreyouris of the faith,
 10 than schupe he him till assailȝe the membris of the cristin faith with the cryme of ypocrysye, rycht as salbe clarit in this next angel that cummys efter this.

HERE he declaris the visioun as to the thrid angel, the quhilk trompit in his beme, quhill him thocht to sanct
 15 Johne that thare fell a grete stern out of the hevin birnand in fyre, and as him thocht, it fell apon the thrid party of the fludis and fountaynis, and the stern was callit to name the bitter stern, throu the quhilk the thrid partis of the wateris and fontaynis was maid bitter, and
 20 gert mony men dee, for thai evill wateris that was bitter, the quhilk come efter the sound of the thrid angelis tromp. Be the quhilk ȝe sall understand that the thrid tyme of the durabilitee of the cristin faith salbe quhill the tyme of sanct Gregore. And than is it to wit that
 25 sanct Gregore was this thrid angel, the first Gregore, the quhilk trompit wele with his tromp, that he put away, condampnit and reprovit all the fals heresyis and heretykis that was in his tyme, with gude resouns of haly writt, throu counsailis generale, epistlis and prechouris,
 30 and convertit mony paganis to the faith. For he send sanct Augustyne in Ingland, and convertit throu grace, and preching of him, a King of Ingland callit Andebert, and all the realme come cristyn. And quhen the devill sawe that he mycht nocht optene apon the faith, to put
 35 abak be thir foresaid errouris and herisyis, than schupe

(Chapter
VII.)

he him to wirk with suteltee of ypocrisy, and gert bathe
 Emperouris and othir grete lordis arm thame in his
 armyng of ypocrisie, that is, with a coverit fals sembland
 of vertue and halynes, hydys under that a fals poyoun of
 errour and herisye in clething of gudelyness, ledand with 5
 him bath Emperouris and patriarkis, and othir princis
 and peple but nombre, the quhilk held opyniouns of
 thair awin curage, as thame thocht it suld be as thai
 thocht, the quhilk was clere and schynand without, as
 the sterne, and within, it was all foule of filth and cor- 10
 ruptioun of herisye and fals treuth. And to say 3ow
 first, was thare twa patriarkis that was callit Petre and
 Paule, and was bath, ilkane, efter othir patriarkis of Con-
 stantynoble, the quhilkis fell out of the hevyn, that is of
 the haly cristyn faith, the quhilk may be wele sa approvit, 15
 and fell to the ground of the fludis and wellis of the
 faith; and tuke with it grete number of kirk men and
 otheris, that turnyt never agayne; nocht anerly with fals
 teching tycit the peple till his opynioun be nycht secretly,
 bot gert put to dede mony notable persouns that wald 20
 nocht trowe his fals doctryne, and gert alssua dyng the
 legatis send fra the pape to schawe him his errour. And
 3it mare, he drewe, with his fleching and fair langage, the
 Emperour that was in his tyme to trow in his opyniouns,
 the quhilk Emperour was callit Constantyne, gerrand 25
 the Emperour, throu his fenzeit halynes, trow that he
 was a haly man. And thus was it wele lyke that a stern
 was fallin out of the hevin, quhen that Emperour fell
 out of the faith, and enclynit till his folysis, that was ane
 of the ryveris the quhilk was bitter. And 3it did he 30
 mare, for he gert the Emperour mak him a buke of all
 the fals poyntis of herisy. And agaynis him tuke the
 bataill sanct Mertyn ferde pape of that name, the
 quhilk gert call a grete counsale generale of clergy in
 Rome, quhare he gert condampne all thai fals heresyis. 35
 And quhen the Emperour was thus put abak, and his

opyniouns, thare was a duke duelland in Rome was
 tender to the Emperour, and thocht to ger a man of his
 sla the pape at the messe. And quhen he come to the
 papis messe with a grete company, the souyare that suld
 5 sla him drew his suerd and past to the altare, he beand
 in his mess, and or he come to the altare, he becom
 stane blynd, of the quhilk myracle the duke had grete
 drede, and amendit his lyf. And be the grete stern may
 be signifyt the said Emperour, the quhilk suld schyne in
 10 defens of the faith, the quhilk als next the pape is the
 grettest in the erde, the quhilk alssua stern as sais the
 storye was byrnand, that is suth, in fyre of malice and
 fals ypocrisye. And syne mon we declare, how that
 stern fell apon the thrid part of the fludis and wellis,
 15 that was quhen the Emperour wald mell with a fals
 colour ane undrequet, malicius errour with the sawis,
 and the doctrine of haly doctouris of the cristyn faith.
 And as belangand it that he sais, It fell on the wellis,
 that is to say, thare is twa maner of fontaynis of the
 20 cristyn faith, ane is cummand fra God him self, that is
 but stanching; ane othir is fra mannis hert that dryis
 quhen grace failzeis. Bot thare is ane othir well in oure
 Lord Jhesu Cristis hert, that is of his humanitee cum-
 mand, the quhilk well of manlyk lufe and kyndenes, he
 25 schew us wele the day of his passioun, quhen he said till
 his fader, that his will war done anent the tholing of his
 passioun, and nocht his awin will of humanitee. For as
 God he dred nocht the dede, bot wele as man. And
 thare he referrit the fontayne of humanitee to the will of
 30 the fader, as him lykit best for mannis hele. And alssua
 be that he schewe in him twa willis, quhen he said Thy
 will be done, that is to say, the will of the fader that is
 in me salbe maister, and nocht the will of the humanitee
 that is in me. For, and he had trowit the carnall will of
 35 humanitee, he had nocht tholit the passioun, the quhilk
 he schawit, quhen he said, Nocht as man my will salbe

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done, bot thy will as fader of hevin. And be that he schawis that the will of the fader and of the sone is bath ane as in divinitee, bot thai ar nocht bathe ane as touch- and humanitee. And thare he dois us to wit that in him ar twa willis, bath manlyke and godlyke. And 5 than as to the sterne that fell apon the thrid part of the fontaynes, that was that the fals ypocrite the patriark of Constantynoble prechand said that the sone of God had nocht twa willis, as before said is, bot anerly ane, and nocht understandand the wordis of the prophet 10 Jeremye sayand, Haurietis acquas de fontibus salvatoris Ergo habet salvator plures fontes gracie emanantes, the quhilkis the prophet prouvet clerely, that oure salvatour, Jhesu Crist, had ma wellis than ane, that is to understand ma willis than ane. Alssua 3it efter this, we suld 15 declare how that stern was callit bitter, forthy that the bitter herbe is sa felloun bitter of his nature, that quhen the hony beis cummys on the flour of it and takis hony, the hony is bitter as the herbe. And rycht sa dois the fals opyniouns of herisy makis the haly scripture sa bitter 20 that is suete, that it apperis to the trew hertis of the faith bitter as the sour herbe is in the mouth, sa is the heresy in gude treuth, that lufis wele God and haly kirk. And rycht as evill bitter wateris gerris mony folk dee temporaly, sa dois the bitter heresy and lollardry the 25 saule dee spiritualy, for thai ar out of the fay, and may with na werkis wyn meryt. Quia quicquid non est ex fide peccatum est. And tharfore quhen the devill sais that the bataill was wonyn, that he mycht be na way cum till his purpos on this wis, he sett him than on ane 30 othir wis, to move were till haly kirk and the cristyn faith. Than set he him to mak divisioun bath in the kirk be scismes and othir wayis, as sall appere be the angel that next folowis, be the quhilk is understandin the tyme of the faith.

- HERE folowis the visioun of the ferde angel, the quhilk [Chapter VIII.]
 trompit with his grete beme, and efter that tromp, come
 to sanct Johne ane othir visioun rycht mervailous and
 horrible, that him thocht that the thrid part of the sonne,
 5 and the thrid part of the mone, and the thrid part of the
 sternis was all merk and schynyt nocht. And as to this
 visioun, it is to wit, that the ferde tyme of the faith
 was fra the tyme of the pape Agathon, the first of that
 name, the quhilk was callit the ferde angel, the quhilk
 10 soundit wele his tromp quhen the Emperour Constantyn,
 the ferde of that name, be his treti maid a generale
 counsaile, in the quhilk he ordanyt mony divers gude
 ordinauncis apon the state of haly kirk, and nocht gayn-
 standand that othir tymes it was ordanyt that prestis,
 15 dyakenys, and subdyakenis suld have na women maryit,
 and was confermyt in that counsele, 3it was thare ane
 excepcioun that the prestis of Grece suld nocht hald
 that constituciou, for thay may have a wyf anerly
 maidin, bot efter hir decess thai sall never mary agayne.
 20 Alssua it was ordanyt in that counsaile, that the kirk of
 Rome suld be callit lady and maistress of all cristyn
 kirkis. For of before, the kirk of Alexandrye said that it
 was the soverane maistress of the warld, bot now Rome
 is declarit hede. And thair caus was for thai said that
 25 sanct Petir maid his sege thare and his charter, the
 quhilk he did nocht in Rome. And 3it the patryarch
 of Antioche allegis that he aw to be the first, be caus
 sanct Petir was thare sevyne yere duelland or ever he
 duelt in Rome. And to mes all thir debatis, it was
 30 ordanyt that Rome suld be principale and soverane
 kirk of all the warld. A god wate, he trompit wele
 with his beme, that gert condampne ane heresy that said
 and held that Jhesu Goddis sone was nocht verray man.
 And 3it alssua is understandin be this ferde angel, all
 35 the papis that was in that ferde passage of tyme of the
 faith, fra the tyme that this pape Agathon began, quhill

Nota the
mareagh of
kyrk men.

Nota of the
heid kyrk.

to the tyme of pape Urbane, the last of that name. And
 in that tyme was the pape Lyoun the secound, the quhilk
 trompit wele quhen he gert throu the grace of the haly
 gaste, put in the messe, Agnus dei, qui tollis peccata, etc.
 And sone efter that, the haly kirk was put in pes. And 5
 alssua he did a notable thing that maid the accorde
 betuix the kirk of the Ravenen and the kirk of Rome,
 the quhilk was never before in obeisaunce, bot did mekle
 evill and mony tribulaciouns to the sege of Rome. And
 this pape was a haly man, and coude wele speke the 10
 langage of Grece and of Latyne. Alssua the pape Sanct
 Gregore the secound blewe his horne wele quhen he
 cursit the Emperoure Lyoun for he held a fals opynioun
 that na man suld do na reverence na honour till ymagis
 that ar maid in remembrance of god and our lady and 15
 all sanctis and all angelis of god.

Nota off the
 Popis.

Here expoundis he the visioun, before said of the ferde
 angel, that was quhen him thocht that the thrid part of
 the sonne was blakenit. And be caus that be the sonne
 in haly Scripture is vnderstandin the pape, and sa mony 20
 was in that tyme callit papis, and was nocht suthfast, it
 was lyke that the thrid part of the sonne, that is the
 papis was blakenyt in scisme and sorowe. For efter pape
 Serge the first, and pape Johne the sext, was ane callit
 Lyoun maid be force of a lord of Rome, callit Patrice. 25
 And ane othir doctour of Rome, callit maister Martin,
 tellis how ane callit Stevyn tuke the sege of Rome, and
 maid him pape on force, sone efter the tyme of fals Poule,
 and syne he was put out agayne on force, and gert put
 out his eyne, and for despyte he deide. And efter 30
 Leoun, was chosin a woman pape nocht wittand that
 scho was a woman, the quhilk was of Ingland borne, and
 a noble clerges was. And in that tyme began a grete
 scisme betuix the Grekis and the Latyns of Rome, the
 quhilk lestit quhill the grete generale counsele of Leoun 35
 pape. And efter that in that ferde tyme, efter pape

Johannis
 Anglecus
 Scho ves
 borne in ane
 towne callit
 Maguntia.

John the x pape of that name, was ane callit Johne the
 xj pape, that was fals pape, and ȝit efter that, ane othir
 callit Johne the xij, and was untreuly chosyn, als the
 quhilk was a hontare and had the name to be of evill
 5 lyfing and he gert put out the eyne of twa cardynalis
 that was notable men, haly men, and men of gude lyf
 knawin. And syne, in the nycht sodaynly, the fende
 weryit him in his bed. And ȝit in that ferde tyme, the
 pape Benet was put out, and the fals wikkit Romainis
 10 put in ane othir of thair auctoritee, and maid grete scisme
 lang tyme. Alssua in the tyme of ane othir pape Benait,
 was grete errour in haly kirk, for he was put out and ane
 othir forsably put in, that was callit Silvester, the quhilk
 was sone put down, and the foresaid Benait agayne put
 15 up, and sone agayn castin down, and ane chosyn and Fol. 8.
 sacrit, thai callit Johne, was a chaplayn of Sanct John de
 Port Latyn and was callit Gregore the Sext, and be caus
 he was nat sufficiand to governe the office, he gert sacre
 ane othir to do the office under him, and than was all
 20 the warld in tribulacioun, and syne war thai bath put
 down, and ane othir chosyn. And ȝit that lestit nocht
 lang, quhill ane othir callit Damas was put in the sege
 wrangwisly, and sone was he put down, and ane callit
 Benait was put up forsably, and was mayntenyt be the
 25 Romainys, bot his tyme lestit bot sex monethis. Alssua
 that lestit nocht lang, quhill in the tyme of pape Gregore
 the sevynt, with the help of the Emperour, was the Arch-
 bishop of Ravenne maid Pape, in the quhilk tyme
 mekle sorowe of scisme was, that mekle dule was to
 30 here. And ȝit efter that, in the tyme of pape Pescale
 the secund, in the quhilk tyme the traytrous Romainys
 maid thre wrang papis. And ȝit in that ferde tyme, in
 the tyme of pape Alexander, ane callit Brudy of thai
 fals papis had mekle dises that the cristyn faith grew.
 35 And alssua in the tyme of pape Innocent, a fals traytour
 callit Peris Leon callit him self pape, and held a grete

part of the patrymonye of haly kirk on force. And had
 nocht bene haly sanct Lowis the gude king of Fraunce,
 the verray pape sanct Innocent had bene put out utterly,
 and for he was chassit in Fraunce, quhare he gat gude
 help and was put agayne in his sege be the saide king 5
 Lowys the haly king. And ȝit in that ferde tyme, quhen
 pape Alexander regnyt pape, thare was maid aganis him
 four fals papis. And rycht as before, the said Pape
 Alexander fled in Fraunce to the foresaid haly king
 Lowis, the quhilk put him in agayne, maugre the Em- 10
 perour and all his helpis, of the quhilkis the were lestit
 lang. And tharfore have I tald all thir tribulaciouns sa
 that men may clerely se the visioun expoundit treuly,
 that is to saye, the thrid part of the sonne was obscure
 and mirk, be the quhilk sonne is signifyit the thrid part 15
 of all the papis; for in the bible he sais, God maid twa
 grete lichtis in hevin, a lytill and a mekle, the mekle
 for the day, and the lytill for the nycht. And in the
 samyn semblaunce maid he twa grete governouris of all
 this warld here down, that is to say, the pape and the 20
 Emperour, the pape to be governoure and lord of the
 day, that is of the haly kirk and the cristin faith, and
 the tothir to be lord and juge of the nycht werkis, that
 is to say, of the temporalitee, the quhilk is merk as nycht,
 quhill the sonne, that is the cristyn faith, geve tham 25
 lycht; for the dignitee of the empire haldis of the haly
 kirk. And as the mone takis fra the sonne hir licht, sa
 dois the dignitee imperiale fra the dignitee papale. And
 thus may be wele clerely kend, how the sonne, that is
 the haly kirk, has bene full obscure with thir fals errouris 30
 and scismes. Alssua, in the tothir part of the visioun,
 quhare he sais, that the thrid part of the mone was
 obscurit and myrk, that was trewe, for be the mone is
 signifyit the dignitee imperiale, in the quhilk was in
 thai dais Henry the thrid, the quhilk at all his power 35
 sustenyt the fals pape, and rycht sa did Henry the ferde,

the quhilk put the gude pape Pascale in prison with all
 his cardinalis. And alssua in the samyn wys, did the
 Emperour Frederike the first, the quhilk was ay
 aganis haly kirk, and sa was the Emperour Frederike
 5 the secunde, and grevit mekle haly kirk, with mony
 otheris that studyit nocht in the keping of leautee, bot
 mare in the contrusing of falshede, to mak fals papis.
 And tharfore sais the visioun that the thrid part of the
 mone was myrk. Alssua 3it efter this, sais the visioun
 10 that the thrid part of all the sternis was myrk rycht sa,
 the quhilk was suth. For all cristyn folk ar callit sternis
 schynand in the kirk of the faith, the quhilkis in the
 weris and scismes beforesaid was all in divisioun, and
 in obscuritee of scisme and of weris, sa that archly the
 15 twa partis stude evyn in the faith, and sa mycht wele be
 said, that the thrid part of the sternis was obumbrit with
 mirknes of unleautee. And in that, that he sais in the
 visioun, that thare schynyt nocht apon day lycht bot the
 thrid party, that is the cristyn men of the fayth that ar
 20 of the day, that is understandin the kirkmen of the faith
 that schynyt bot the thrid part that is in growing and
 hichting of the faith, the quhilk schynyt nocht in that ferde
 tyme. And be the nycht is understandin the Emperouris
 estate and the governaunce of temporalitee, the quhilk in
 25 that ferde tyme haldin dere, for the caus that thai held
 na veritee na leautee in the faith. 3it here atour, sanct
 John in the Apocalips sawe ane egill fleand throu the
 ayre cryand in the ta half of the hevin, Sorow, sorow,
 sorowe mote fall till all induellaris of the erde, etc. Be
 30 the quhilk, thre maneris of tymes soroufull is 3it efter
 that signifyit to cum ; for thare was thre angelis that had
 nocht 3it blawin thair blastis, the quhilkis thre blastis
 was all thre takyn of evill tyme tocum, sa thare suld
 be in thame mekle payne, dolour, scisme and tribula-
 35 cioun, and that in that tyme all the warld suld be full
 of sorow, syn and filth. And tharfore may we se be

this, that the exposicioun of the visioun was suthfastly
 approvit, etc.

[Chapter
 IX.]

HERE begynnis he to speke of the fyft angel, and how
 he blewe, be the quhilk is understandin and signifyt till
 us the tyme that now is, and how it is full of scismes, 5
 tribulaciounis and weris cruell. Apon the quhilk fyft
 angel, the storye of the Appocalips sais that the fyft
 angel trompit and sone efter sanct Johne sawe a grete
 stern fall out of the hevin in the erde, and quhare it fell
 it semyt that thare rais out a reyk, and strake up in the 10
 hevin agayne, as it had bene out of the pitt of hell, lyke
 a mouth of a grete draw well, as it war out of a grete
 furnas, and that bath the sonne and the aire was all oure
 blakenyt and obscurit with the reik that strake vp in the
 aire, fra that furnas as a mouth of a mekle draw well. 15
 The quhilk visioun betakenis that pape Urbane the fyft
 to be this fyft angel, the quhilk trompit nocht evill with
 his beme, quhen for all the dayes of his lyf he held the
 court of Rome clere and clene of all symony, and schewe
 in dede that he lufit it nocht na nane that delt with it. 20
 And alsa wald he nocht grete beneficis na grete digniteis
 till unworthy persouns geve for na requestis of kingis na
 princis. Bot our all the warld, quhare he wist ane hon-
 ourable or worthy clerk quhare ever he war, suppos he
 come nocht to his presence of his propre mouvement, 25
 for gude renoun of thame, he gave thame the grete bene-
 ficis and digniteis, and wald ger mak inquisicioun quhare
 the maist worthy and notable clerkis war, to geve thame
 the maist notable and worthy beneficis, and nocht for
 knaulage of cosynage, na gossappis, na commaris of 30
 cardinalis, na othir officiaris of the court—the quhilk
 gert alssua tak up the hedis of sanct Petir and sanct
 Paule, and alsa the banis of sanct Eližere the Erle of
 Dance, and gert canonize hym as confessour. This ilke
 noble pape Urbane gert mak withall this, mony notable 35

kirkis, and mony haly mennis banis gert put in reliquis
 in gold and silver preciously, in the honour of the haly
 sanctis that thai war of, the quhilk, as angel, blewe sa
 wele his beme that he was luft, and lovit, and honourit
 5 throuout all the warld for his gudeness, sa that for the
 honour of his persone, all princis, kingis, dukis, come
 to visyte him in propre persone to the court of Rome;
 as the Emperoure of Almayne, the noble king of Fraunce
 Johan the king of Cipre, the king of Navarre, and mony
 10 othir that lang war to count. Bot as to the visoun of
 the sterne that fell in the erde. It signifyt ane callit
 Bartilmew the gredy avaricius, and that I sall wele tell
 30 how. Forthy that the pape is lykenyt to the sonne
 in the haly kirk and in the cristin faith, for rycht as the
 15 pape, gif he be a gude haly man as he aw to be, lichtnis
 all the lave of the cristin faith, sa dois the sonne all
 the warld. Bot 3it may nocht the pape be he never sa
 gude, be our-all to governe thame. And rycht sa ar
 the prelatis of the kirk, as cardinalis, archbischopis and
 20 bischopis, and otheris in thair degreis, ar likenyt to the
 sternis in the hevin of the faith to geve lycht to the
 small peple ilkane as thame efferis. And efter as this
 stern that fell maid a pitt in the erde, and like a mouth
 of a grete drawe well, of the quhilk thare come out sik a
 25 mysty smoke of hidous reik, lyke as it war out of the
 pitt of hell, to that we may wele lykyn the gredy covatis
 and avarice of the said Bartilmew. For rycht as in the
 pitt of hell, is ane unfillable gredy appetite to suelly all
 misdoaris, and never may be stanchit, sa is thare in the
 30 avaricious man ane unfillable gredy covatis of gold,
 quhilk may never be stanchit in this lyf. Off the quhilk
 all othir evill cummys as rapyne, and thift, and murthir,
 usure, scisme, symony, tresouns, and mony otheris that
 tere is to tell, and tharfore, sais the haly scripture,
 35 Radix omnium malorum cupiditas. Throu the quhilk alsa
 avarice mony wrang papis has bene maid, and mekil

heresy cummyn ande mony saule dampnyt, and tharfore
 suld na men ferly, that this avarice be likenyt to the pit
 of hell. For suppos all the saulis that ever was or salbe
 war in hell, jit war it nocht content. And rycht sa, war
 all the gude of the warlde the avaricious mannis, jit wald 5
 he have mare, sik is the nature of it. For rycht as the
 fendis has tynt liberalitee, fredome of liberalitee, sa has
 the avaricious man tynt his fredome of free will; for he
 is thrall and subiect to the gude, and mon folow it and
 nocht his awin will. And tharfore is he callit a servand 10
 to fals goddis, *Quia avarica est ydolorum servitus*. Now
 thus mon we se how this stern may be comperit to the
 said Bartilmewe, the quhilk is fallyn fra the hevin down
 in the erde and is becummyn in the mouth of the pitt of
 hell; for he fell of the hevin, that is the haly kirk, in the 15
 mouth of the pytt of hell, that is avarice. And that is
 clere till understand, quhen he maid cardinalis that throu
 covatis opnyt the pitt of hell to gader gold for symony,
 and tuke nocht the rede hat of cardynale for the gude of
 haly kirk, bot for the glore, the welth and covatis of the 20
 warldis gude, the quhilk is the blude of the pure warld,
 that thai lytt thair rede cardinale hattis with, with usure,
 scisme and sacrilege. For he gert geve all beneficis till
 all that wald mak coft thareon, tak and have, and lukit
 nocht to the gude clerkis, na the worthy men of lyf bot 25
 to thame that was of sik lyke condicioun as he was.
 Off the quhilk avarice, symony, scisme and usure the
 mysty reik is passit fra the mouth of the pitt of hell up
 in hevin, and grevis God in his hye majestee; for thai
 that ar takaris of beneficis fra the said Bartilmewe ar als 30
 foule in the dede as he him selfe; for thai ar all smyttit
 with that ilke myrknes, of the quhilk the sternis was
 blekkit. And thai that has tane benefice of him dar
 nocht for dout of tynsale of thair beneficis say othir
 ways, bot that he was rychtwis pape. And with that 35
 thai have contrusit sa mony lesingis, cautelis and fals

instrumentis with counterfetit selis, that with thair fals
 pistlis thay have corrupit mony realmes, princis and
 lordis, and contreis of the cristyn faith, and thus throu
 the corrupcioun of the membris, the pape that is lyknyt
 5 to the sonne, is blakenyt and enumbrit; and the ayre
 withall, the quhilk signifyis the haly obeisaunce of the
 cristin faith, that is blekkit and our-thrawin with the
 fals governaunce of tham that suld be pillaris of the
 kirk, the quhilkis has maid trouble that was clere un-
 10 distroublit.

AND ȝit he spekis mare furthirly of the foresaid visioun [Chapter X.]
 for to prove mare clerely the foresaid thingis. For as
 the visioun spekis, thare come of that reik a maner of
 bestis callit Lungoutis, the quhilkis war of the kynde of
 15 Scoriouns with stangis, be the quhilkis ar understandin
 the fals traytouris Romayns, the quhilkis come apon the
 erde, that is the college of prelatis, and otheris falowis
 and nychbouris of the kirk. Bot quhen he sais in the
 visioun that power was gevyn tham lyke to scoriouns, for
 20 as sais the maister of proprieteis of bestis A scorioun is
 as a worm of the erde, the quhilk softly and suetely touchis
 till mannis flesch, and softly clawis with hir clukis, and
 plesandly beris hir in company, bot scho has a stang
 as a serpent, that scho stangis to dede at the last. And
 25 treuly to say rycht, sa dois the Romaynes; for efter the
 dede of pape Gregore, thai reconfortit the cardinalis
 with suete and faire wordis, exhortand thame that rycht-
 wisly and ordourly thai wald mak lafull electiouns in
 halynes and charitee, and hicht and suore to sauf thame,
 30 and kepe thame sekirly fra all harme. Bot quhen thai
 war in the conclave, thai brak in apon thame and bostit
 thame, and sum thai strake, and sum thai revit jowellis
 fra, and sum thai manasit to sla, bot thai chesit at thair
 plesaunce sa that thai fled here and thare. And thus
 35 thai stangit with the taile, as the Scorioun. To the

The natur
 and con-
 dition of
 Romaynis.

quhilkis Romaines sanct Bernard says to the pape
 spekand, callit Heuygeny, Gif ȝe will wit the nature and
 condicioun of Romaines, thai ar to thaire nychtbouris
 veray inmyes, till all strangearis unkyndely, and fremmyt
 with inhumanitee, untrew and unlele to thair soveraynis 5
 lordis, and unacordable with wysare than thame self;
 nocht large of gift, and redily wil tak and wele can warne,
 and nocht will cess of craving quhill thai get graunt, and
 litill thank folowis efter thai ressave the gift; and grete
 vantouris of litill foredede, and sais thai can mekle wele 10
 do, bot litill cummys in dede; and redily will mak graunt
 and hecht, and lytill fulfill in dede, na in thair thocht is
 nocht to fulfill thair hecht; and suetely will fleche with
 fair flaterye before folkis visage, and bitterly and unmo-
 derly will bakbyte behynd bakkis, and reprovandly lak 15
 that thai before had lovit; and makis faire sembland
 before as thai war symple as a dow but gall, but behynd
 bak thai stang as ane edder. And efter this sais the
 visioun that the commandement was maid to thai Loun-
 goutis that thai suld nocht noy to the treis, na herbis 20
 na grene thing, be the quhilk grene thingis is under-
 standin the symple peple that ar of ignoraunce; the
 quhilkis gave trouth and credence to the Romaines, and
 wende thai had done wele, and traistit that thair doc-
 trine had bene trew and lele, rycht as the grete mais- 25
 teris of the Jewis gert the symple folk trowe that Jhesu
 Crist was a fals prophete, and that all his doctryne was
 heresy, and thai wenand wele to do, trowit all that thai
 said under umbre of gude faith, and was dissavit, wenand
 throu thair counsail to wyn the joy of paradise, and wan 30
 mony of thame hell to thair mede, for quhilkis oure
 Lord Jhesu Crist prayit quhen he was in the croce, and
 said—Fader forgeve thir symple folk that wate nocht
 quhat thai do. And rycht sa traistis wele that thare is
 mony ane that trowis that Bartilmewe was verray pape, 35
 for fals informacioun of otheris, the quhilkis held nocht

his querele sa ere, for veritee of the faith, as thai did for
 prouffit that thai gat throu him, and for dissait and
 malice of the tothir aduers party. Alssua be the grene
 thingis, may be understandin the wys men and wys
 5 clerkis, the quhilkis kend the falskede of the Romaynes
 and the subtilitee, and how thei gert be force ches this
 ilke Bartilmew, and tharefore thay trowit nocht he was
 pape. And sa did thay nocht the fals opynioun of the
 Romaynes, for thay kend the cas. And 3it the angel bad
 10 thai suld nocht noy to the treis, that is to say princis,
 and prelatis, and wis men in digniteis temporale, or
 spirituale, quhilkis ar trew pillaris of the cristyn faith,
 the quhilkis haldis the verray trew trace of the haly
 cristyn faith efter the kirk of Rome, and the trew haly
 15 college, the quhilkis lordis, prelatis and princis may
 nocht for na mede na othir tyssing, or guglyng, or wrang
 preching, na giftis geving, na othir wayis may nocht be
 boucht to be agayne the lautee, na the suthfastnes of the
 faith, sik as ar the princis and prelatis of Fraunce, and
 20 the nobleis and rialis, quhilkis wald mair sustene scismes
 na herisies agayne the kirk, na manetene fals antepapis,
 as ald stories can wele schawe.

BOT 3it remaynis to declare how to this foresaid Bar-
 tilmewe was gevin the keyis of the pitt of hell. And as
 25 anent that poynt, 3e sall understand that oure Lord quhen
 he had tholit here pyne and passioun for oure redemp-
 cioun, he gave the keyis of hevin 3ettis to sanct Petir, of
 the quhilkis keyis thare is twa, that is to say, ane, be the
 quhilk he has all hale powere till opyn and to steke, and
 30 that is callit the key of jurisdiccoun. And 3it is thare
 ane othir, the quhilk is callit the key of districtioun, be
 the quhilk he has knaulage and power how he suld opyn
 and steke, in quhat time, and in quhat cas and in quhat
 forme. And gif the key of jurisdiccoun dois thing that
 35 it aw nocht to do, be the key of districcioun that suld

Nota off
cursyng.

be of lytill valeur, as I sall schaw þow be exemple. As
gif the pape walde curs a man, for he wald big ane
almous hous, or fast the lady fastyng in brede and
water, or for he gevis our grete almous dede. Cer-
taynly, suppos he curs him be the power of the keye 5
of jurisdictioun, ȝit is he nocht cursit be the keyis of
districtioun; for the key of jurisdictioun may curs fra
warldly commonyng that na man commoun, bot he is
nocht cursit as to godwart na of that he has na power.
Bot than agayn till oure purpos; quhat key was gevin to 10
this Bartilmew; certainly the key of the jurisdictioun of
avarice and of folye, of presumpcioun and of tyranye,
and nocht of gude occupacioun, and that was grete
pitee and grete scath, for it has lestit sa lang, and ay
the langar the mare covatous, and mare gredy, the 15
quhilk, bot God sett remede, it passis all manis power
to sett remede. And thus may men se clerely and un-
derstand how, sen the passioun of Crist, the cristyn faith
and the haly kirk was never ȝit in pes, na in rest, bot
evermare in weris, and in persecucioun and discensioun. 20
And be caus the kirk is and was ever wount to have
weris and persecucioun, men suld understand that this
cummys of grace; for ay the mare that wikkit tyrane
Emperouris and princis has pressit thame to put the
faith abak, the mare it is multiplyit and growin, Quia 25
virtus in infirmitate perficitur; for the faith has tane
mare hienes and strenth throu the tribulaciouns and
persecuciouns, and marterdome of haly marteris, and
throu the myraclis of thame, na it did for the passioun
of Crist, for the tane has verifyit the tothir, and borne 30
witnes that he was the rycht man, as him self said, quhen
he tuke his leve fra his Apostlis, sayand, Et entis michi
testes, in omni Judea, et Samaria, usque ad extremum
terre. And tharfore was the haly kirk foundit in hye
devocioun and faith, bot nocht but tribulacioun, and 35
the better is, for tribulacioun is worthy sacrifice. And

Nota of the
faythe.

of the tribulacioun and dede of haly men, the first
renoun come to haly kirk quhen it was in grete povertie,
and mekle supprest, as in the tyme of sanct Silvester
and Constantyn, and up liftit in grete power and grete
5 dominioun our all the cristyndome. And now be caus
of this divisioun, all the warld is in a wylde thocht, un-
stedefast. And nocht than, I have nocht undertane to
speke, na tell all the declaracioun of this avisoun, na of
the accomplisment of this fyft visioun, na to declare the
10 interpretacioun of it. For this fyft tyme that is signifyt
till us be this fyft angel, the quhilk will lest als lang as
the Lord that all governis lykis that it lest, and therfor
suld I undertak to speke mare forthirly. It wald seme
to folk that I wald speke of the thingis that pertenis to
15 Goddis privetee of the tyme that is for to cum, the quhilk
na erdely man may do that is in this mortall lyf here,
bot gif it war revelit till him of the will of God, be the
haly gaste. And sen that, we have our sene how the
kirk and the cristyn faith has bene, and is in weris per-
20 secucioun and tribulacioun, bot I have nocht ȝit de-
clarit how the weris of the haly kirk and of the cristyn
faith ar mare perilous than the weris that ar amang
kingis and princis, and tharfore, mon we retourn
agayne to the thingis that I spak of in the begynnyng,
25 and how, and in quhat maner the said weris ar mare
perilous of the faith and the haly kirk, be caus thai
touch bath slaughter of body and saule, and the weris
amang kingis and princis touchis bot anerly the tynsale
of the body and of the temporal lyf, that is lytill to
30 sett by, be tynsale of the saule and of the everlestand
lyf, that is the soverane joye of paradys; to the quhilk
he us bring, that bathe of hevyn and erde is king
Amen, Etc.

And now, to schawe to ȝour hienes in ȝour ȝouthede, Fol. 11.
35 in quhat maner the jurisdiction of the temporale
kingis and princis has bene in grete tribulacioun in

34 THE BUKE OF THE LAW OF ARMYS

the tyme ancien bypast, I think to schawe sum part in
the maist gudely wys I can or may ; etc.

Here endis the first part of the buke of bataillis ;
and here efter folowis the declaracioun of the
Rubryis of the secund buke, etc.

[THE SECOND PART.]

- [IN the first; of the persecucioun and de-
 structioun of the four grete realmes . . . [cap. i]
 Item, how and in quhat tyme the citee of
 Rome was first foundit . . . [cap. ii]
 5 Item, in quhat tyme governyt the Senatouris [cap. iii]
 Item, of the government of the King Tules [cap. iv]
 Item, of the King Fernicle Archy . . . [cap. v]
 Item, efter of the King Tarquyn . . . [cap. vi]
 Item, of the dede of King Alexander . . . [cap. vii]
 10 Item, here he spekis of grete Archile consul
 of Rome . . . [cap. viii]
 Item, here spekis he of grete Schir Sempny
 consul of Rome . . . [cap. ix]
 Item, of the grete worthynes of Schir Sypre
 15 consul of Rome . . . [cap. x]
 Item, how grete Cartage was destroyit . . . [cap. xi]
 Item, how the Almaynis wan a bataill apon
 the Romainys . . . [cap. xii]
 Item, of Scilla the grete Inymy of the Romainys [cap. xiii]
 20 Item, how the Provincis maid Julius Cesar
 thair lord, for his worthynes . . . [cap. xiv]
 Item, how that fortune is ryght variable . . . [cap. xv]
 Item, here he spekis of Schir Arthoma consul
 of Rome . . . [cap. xvi]
 25 Item, spekis he of a questioun, be the quhilk
 thar come first Jurisdiction amang men [cap. xvii]
 Item, here he tellis quha was first Juge amang
 men . . . [cap. xviii]

Here begynnys the chapter of the tribulacioun,
and destructioun of the four grete realmes.

[Chapter I.] **O**ROSIUS tellis in his bukis, spekand to Sanct Augustyn, that fra the begynnyng of the warld till the begynnyng of Rome, thare passit four thousand four hundreth four 5 score and four 3eris. And fra the begynnyng of the citee of Rome till the nativitee of Jhesu Crist oure soverane lord, thar was fyve hundreth four score and nyntene 3ere. Thus suld men wit that, in the mene tyme, the doctouris, cronykis, and stories makis mekle 10 grete langage, and spech, and grete festis abune all the lordschippis of the warld, and apon all the realmes, and namely apon the four grete realmes, and thair destructiouns. And first of the realme or the Empire of Babilonie, the quhilk was begonnyn in the Est, and in the tyme of 15 Abraham. And the secound was of the realme of Cartage, the quhilk began in the tyme of the Iugis, the quhilk is callit in the bible Judicum in Latyn. And in that tyme thare regnyt a Duke callit Collas. And the thrid realme or empire was Macedone, the quhilk began 20 in the south, be the grete Alexander, in the tyme of the Macabeis. The ferde realme or empire was Rome, the quhilk began in the west, be ane that was callit Romel. And thus may men se that fortune cummys quhile till ane, quhile till othir, and tharfore sais the wys man that 25 na man suld, for our grete richness na honour that fortune sendis, be our blythe, na for our grete displesance or distress be our disconfourt or aferde; For oft tymes sum men wenis to be at outhe and abune that is at undir; and othir wenis thai ar all at under, and 3it God puttis thame 30 abune. And gif 3e will wit quhilk was mekle mare na othir, that was the first, and the last bathe of nobless of power, and of durabilitie efter, as sais the doctouris. And als thai say that Babilone was destroyit be a King

Nota.

callit Cirus, and that was done in the tyme of Esdre the prophet, et de Zacharie, for that King sett him to have senzeoury of all the Orient. And as to that, he failit nocht mekle of his purpos; for treuly he wan worthily
 5 mekle of it, quhill he come towart Babilone, the quhilk was the fairest, the michtiest and the richest of all the land of Caldee. Bot it had a ryver nere by the said citee, the quhilk was callit Eufates, that was sa grete that the King with his host mycht nocht pas it. And
 10 sa was thare a hardy knyght aventurer, the quhilk was michtily horsit, and of grete curage, and thocht to fynd a passage, bot with the strenth of the water he was borne doune and drownyt, of the quhilk the King had grete sorowe, and maid his vowe that, or he partit fra
 15 thyne, he suld mak that ryver sa lytill that a wyf passand the contree suld nocht wete hir kneis till ourwade it. And he held gude connand, for quhare it passit before throu the grete citee all togeder, he gert it pas in ma na fyfty burnis, severaly, ilkane by othir without the toune on
 20 aithir syde, apon the playn ferr feildis fra the toune. And sa was the citee tane, and destroyit alluterly at all poyntis. Off the quhilk thing spekis the noble doctour Orosius, that it was nocht lyke as that citee had bene maid be mannis handis, na was like that it mycht be
 25 destroyit be mannis handis, for it had the wallis of hicht of fifty cubitis, and of grete thiknes, and was of fyve score of portis in the wallis, and all the wallis all our fensit with platis of metall. And all thus endit Babilone the mervailous, that wes of sa grete mycht and come to
 30 nocht. Bot as in this part of this buke myn entencioun is nocht to speke of the citee of Macedone; be caus that Alexander foundit it, and of him thare is a grete buke, and of his dedis, the quhilk I will nocht here rehers; bot of the tothir twa I will speke. For spekind of the
 35 tane, I mon speke of the tothir, for quhy that thai of

Rome maid the destructioun of Cartage, as we sall here declare.

[Chapter II.] **H**ERE declaris the doctour in quhat tyme and how Rome was first begunnyn, and, as thareapon spekis Orosius the noble doctour, sayand that efter the crea- 5
cioun of the warld, four thousand four hundreth four score and four ȝeris, and this was efter the destruccioun of Troye four hundreth and fyfty foure ȝeris. And in that tyme was King of Jude ane callit Atham. And sa
suld men understand that, or Rome was maid or biggit, 10
thare was thare a lorde callit Saturnus, the quhilk had a sone that had sa grete haterent, and dedely were till his fader, that he hid him for drede of his sone, in a grete forest quhare now is Rome. And in that tyme
thai contreis were callit Lombardye, and in the tyme 15
bygane Lescondire. The quhilk Saturne techit the folk of that contree to mak housis, and labour cornis, and wynis, and fruyte treis, and to governe as folk that thocht to thryue. For the folk of that contree before that,
coud grath na mete, bot lyvit apon the raw fruytis as 20
bestis. And tharfore the contree folk maid him thair lorde, and sum of thame callit him thair god, for caus he techit thaim new lyfing. And thus, quhen he was king, for the drede he had of his sone, he maid a citee, and callit it efter his name Saturne, that was callit sen- 25
syne Scitus. And thare, was the first quhete that ever was sawin with man. And efter the decess of this king, regnyt his sone callit Pirus. And next efter him, ane othir king, his sone, callit Latyn, the quhilk was rycht subtile in spech of Latyn, and he maid grete payne to 30
ger that langage of Latyne sprede, in samekle that the contree tharabout is ȝit callit Latyn tong. The quhilk thre kingis foresaid regnyt ane hundreth and fyfty ȝere, before that Eneas and Antenor come thare. Off the quhilkis efter, come thai that biggit the citee of Rome. 35

Fol. 12.

And be that may, men wit that the citee of Rome was
 first foundit be thame of Troye, the quhilk was lang
 efter the destructioun of Troye, ane hundreth and xxxⁱⁱ.
 jere. Off the quhilk destructioun I bide nocht to speke
 5 mekle, bot referris me to the grete buke of Troye, the
 quhilk sais, that the Grekis come on thame with a
 thousand schippis, and destroyit a thousand schippis
 of thairis, and all the toun clerely be a sege that lay ten
 jeris before thame. And trewly to say scantly may a
 10 man trowe the grete and mervailous power, richness, and
 excellent estate of that toun. Off the quhilkis, the noble
 doctour Almer. And syne of that toun come Eneas, and
 his fader Anchises, and his son Festam. And first, with
 thair flote, thai arryvit in Cicile, and thare decessit the
 15 fader Anchise. And syne thai put thame in the see, and
 thocht to passe in Lombardye, be force of fortune of the
 see thai arryvit in Affrik, and thare Eneas, that was than
 cheif efter his fader, hapnyt to fynd a quene callit
 Didome, the quhilk was sa enamourit of him that scho
 20 did him grete gude, and grete curtaisye, and sum sais that
 scho biggit the citee of Cartage. And fra thyne he
 passit to the see agayn, and passit quhill he come nere
 the contree quhare now is Rome, in the ryver of Tibre.
 And in the nycht, it was said him, that he suld pas to the
 25 king Albondre that was lord of the contree quhare he
 was arryvit, that gif he wald mak were apon king Latyn,
 he suld help him, and he sulde anys be lord of all Italy,
 and gafe him sik takenis that was suthe. And than he
 passit to the king Albondre, and quhen the king saw
 30 him cum in sik a grete bataill, he sett him in bataill
 aganis him to fecht with him, for he traistit wele that
 thai war inmyes. And than the tothir gert put up on
 a spere a branch of ane olyve tree in takenyng of pes.
 And than the king was rycht joyous, for he bare till his
 35 enseigne ane olyve branch, and his frendis. And thare
 the king and Eneas maid thair contractis togeder and

thair bandis, that thai suld mak were to the king
 Latyn, quhare now is Rome. Bot the king of Con-
 stans, that had maryte king Latynis sister, come agayn
 thame with king Latyn, and thare was slayn Palays, the
 sone of king Albondre be ane callit Trano, the quhilk 5
 lyvit nocht lang efter him. And thare was Eneas maryte
 with king Albondris douchter, and was sa king efter
 him, and his sone Festam efter him; and the citee of
 Abba he tuke on force, with othir mony landis. And
 syne efter him regnyt ane callit Silvi, sone till Eneas, 10
 was in his moderis wame quhen his fader deid, and
 regnyt efter his brothir Estam xxx jere, the quhilk had
 a sone callit Latyne, the quhilk regnyt fifty jere efter
 him and that was in the tyme of Davy King of Israel,
 and efter him was his sone Colla, and regnyt fourty jereis, 15
 and he was in the tyme of king Salomon, and efter him
 was king Anthiocus xxiiij jere, in the tyme of Roboam.
 And syne efter him, king Gapy xxviiij jereis, and efter
 him, king Garent, and that was in the tyme of Josaphat.
 And syne was Tiberius king bot ix jere. And syne, king 20
 Agapit was fourty jere king. And syne that was in the
 tyme of Achim king of Jude. And syne, king Syli. And
 syne, king Anancy the space of thre and xxx^{ti} jereis. And
 efter that, his sone Æmuly xliij jereis, the quhilk in the
 tyme of Jonathas exilit his brothir out of the realme. 25
 And he had a douchter callit Rea, and scho was a
 maidyn, and ane callit Maro maid hir grete of twa sonis,
 the tane was callit Remy, and the tothir Romell. And
 than was the custume that the moder suld be put in the
 erde all quik. And the barnis was castyn to the wolvis in 30
 the wod to be suelyit. And as the buke tellis thai war
 norist be the wolvis in the wod for a tyme, quhill efter-
 wart that a hird fand thame, the quhilk was callit Fauclon,
 and brocht thame till his wyf Laurence, the quhilk norist
 thame wele and treuly, and the nychtbouris callit thame 35
 the wolf birdis, of the quhilk cummys lupanar, that is

callit a bordalehous. And ȝit this story is payntit in
 mony placis, and namely in publik placis in marbir
 stane. And quhen thai war cummyn till elde, thai
 callit with thame all the herdis of the contree, and the
 5 thevis and revaris, and maid were to King Æmuly, the
 quhilk had banist thair eldfader out of the contree, sa
 that thai put him of dawis. And syne thai began to
 mak the citee of Rome, to kepe thame and thair menȝe
 fra thair inmyes, and fra lytill to mekle it come ay up
 10 to grete estate and magnificence. And tharfore is it
 callit Rome, efter Remy and Romel, as sais the gude
 doctour Orosius. And thus began thai thair conquestis.
 And efter this, quhen thai began to grow in grete richness
 and hye dominacioun, the tane had envy apon the
 15 tothir, that ilkane desyrit to be lord and maister. And
 becaus thare was nane elde betuene thame that men
 mycht wit, thai war in hope ilkane to be first borne, and
 nocht ane wald defer till ane othir. And sa was it, be
 thair batharis consentis, accordit that thai suld pas up a
 20 day till ane hie hill that is besyde Rome, men callis it
 the mount Aventyne, and quhilk of thame that befell in
 that mountayne the fairest aventure, he suld be king and
 lord. And sa befell that Remy past up first to the moun-
 tane with his menȝe, and the first enconter that he met,
 25 he met vij grete foulis lyke ernis callit vountouris, the
 quhilkis lyfis bot on dede caryouns of bestis. And syne
 past up Romel, in latyn Romulus, with his folk, and he
 met in his way xiiij of that ilke foulis. And than said
 Remy that his aventure was better, and the tothir said
 30 nay, for his nombre was double ma than his, quharefore
 and sa was thare grete debate ȝit. And be caus thare
 was a custume into Rome, maid be the senatouris, that
 quhasa ever past out our the wallis of Rome be ony
 subtiltee, and nocht be the portis, he suld dee. And
 35 sum men sais that Romel, for that caus, strake on his
 brothir in the samyn place, and slewe him in the moun-

taigne, and als be caus he wald nocht stand till his
 promess that he had hecht. And sa was Romulus all
 hale lord and syre, as tellis the worthy doctour Orasius.
 And alssua, it is sa said in a glos of law Civile unde
 versus fraterno premimur iudicio sanguine mori. Than 5
 began Romel to governe wisly, and chesit up till his
 counsale ane hundreth men of age, the wysest that he
 coud fynd in all the citee of Rome. And chesit a
 thousand men of armis, the hardiest and maist worthi
 men of were that he mycht fynd, and callit thai hun- 10
 dreth wys men Senatouris, and thai thousand men of
 armes he maid Knychtis, to the keping of his contree,
 and the wis men for the governaunce of the lawis, and of
 his persone, and of the commoun prouffit of the toune.
 And thir war the first senatouris that ever was in Rome, 15
 and the knychtis tuke the name of knychthede of that
 word mille; unde miles quasi unus de mille, na had na
 knychtis, before that, the name of miles in Latyn, for the
 knychtis, before that, war nocht maryte, na had na wyfis.
 And than tuke thai to wyfis the Scabins, douchteris of 20
 Rome that ware maidenis, for the quhilkis, thare was
 grete were betuix the Romayns and the Scabins for that
 caus. Bot at the last Romel had the victorie apon thai
 Scabins; for Romulus discomfyte thame in fair felde
 with bataill. And than was thare at Rome a lady callit 25
 Sibilla de Roma, the quhilk was haldin for a prophetess,
 and tald mony grete thingis that was to cum, and had
 grete renoun our all the warld. And syne sais the storrye,
 that quhen he had discomfyte the Scabins, and put thame
 in his merci, a day hapnyt to cum about him sik a cloud 30
 that na man of his company mycht se him, nor na bit of
 his body, bot vanyst fra thair sicht away sa on day lycht,
 in myddis of his company, na never efter was sene in
 this warld. And tharfore said the Romayns that treuly
 he was of the lignage of thair goddis. And sa endit 35
 thai twa brethir.

- HERE begynnys the storye to speke of the next Em-
 peroure, the quhilk had na King the space of a ȝere and
 a half efter that. And for that tyme it was all governyt
 be thai hundreth wys men callit senatouris. And syne
 5 regnyt ane, callit Nyma Populi, in the tyme of Yȝachiel
 the prophete. And that king ordanyt that thai knyghtis,
 that was ordanyt to kepe the landis and the toun, suld
 be payit of thair wagis to hald up thair estate and thair
 lyfing. And ȝit than was dame Sibill lyfand, the wys
 10 womman. And this king regnyt xl ȝeris and iiij. And
 syne here efter, spekis he of king Tules, quhilk was a
 grete werreyour, the quhilk was in the tyme of king
 Damassen, Roy de Jude; the quhilk was first that ever
 maid kynglyk habytis, that ar called habytis royalis, of
 15 purpur richely. And nocht agaynstandand that Rome
 had pes with all thair nyctbouris, ȝit maid he were to
 king Dalbare, and put him in to grete povertie, and all
 his realme. And syne come our the water of Tibre aganis
 the Fedeneis, a kynde of men, and put thame in grete
 20 distress, the quhilk quhen he had governyt pesably
 xxxij ȝere, he and all his houshald in a hall was
 brynt to dede, with the thonder that fell sudaynly
 out of the hevin. And syne was thare in his tyme
 ane othir lady that was callit dame Sibill of Rome,
 25 quhilk was a prophetess, and talde mony mervail-
 ous thingis of the tyme to cum. And scho was callit
 Sibill Somian. And be caus it war oure prolix, I
 will nocht tell of all the Kingis and thair bataillis,
 etc.
- 30 SYNE efter this, was king ane callit Archy, and that [Chapter V.]
 was in the tyme of Josue the gude king of Joury, the
 quhilk biggit the citee of Hostrie, the quhilk is nereby
 Rome, and now is bot small. And he maid allsua
 mony bataillis on this half Tibre, the quhilkis war our
 35 lang to count, and regnyt xij ȝere, and strake mony

44 THE BUKE OF THE LAW OF ARMYS

grete bataill. Syne spekis he of king Ferniclin. Here
spekis he of the v king.

[Chapter
VI.]

THE fyft king of Rome was king Tarquynian, and that
was in the tyme that Joachim fut was king of Jude. And
he gert first mak the bowis to schute with at Rome, and 5
he gert mak mony faire palacis, and biggingis, and gert
mak the capitol. And the caus quhy thai maid it was
for quhen it was first maid, the masons fand a hedeles
man in the place quhare thai sought the ground, and
tharfore was it callit the capitale. And this kyng regnyt 10
xxxvij 3eris, etc.

Here spekis he of the said king Ferniclin, and he was
in the tyme of Sedechias king of Jowis. And this king
Ferniclin gert mak at Rome the foussis grete and large
that mervail was to see. And alssa he ordanyt that 15
every man of his contree maid him 3erely sum service,
the quhilk was nocht wont to be done before, and
tharefore ane callit Tarquyn slewe him. And in that
tyme, the King Nabugadonosor king of Caldee maid
grete persecucioun apon the kingis of Joury, off the 20
quhilkis spekis the decreis in syndry placis. And syne
remaynit that ilke Tarquyn the orguillous, that is to
say, the haultayne Tarquyn, king of Rome, the quhilk
fand all thir maneris of irlis cheynes, fettris, and boys,
to prisoun men withall. And this king had a sone 25
callit Tarquyn, the quhilk for love, tuke a woman of
force in Rome. And forthy, the peple of Rome ex-
pellit him and his fader bathe, for evermare out of
Rome; the quhilk was a maidyn callit Lucie. And syne
thai past bathe till a king that wes callit Estuse, that 30
maid grete were to Rome. Bot it was tretit efterwart
betuix the king Estuse and the Romyans. Bot the
tothir na his sone come never agayne in Rome, for na
tetry that mycht be, bot deid in wrechidnes and in
povertee. And syne was lang tyme or thare was a 35

king in Rome, bot consules and senatouris, the quhilkis
 governouris was ordanyt to governe, ilke ȝere twa
 sindry, for dout that thai worth proude and hautayn
 of thair office. And wit ȝe that, efter the opynioun of
 5 the noble Doctour Orosius, the lordschip of Rome is of
 lenth and brede bot xv mylis without the wallis on
 ayther syde. And the twa first consules that was
 governouris was callit the tane Lyuy and the tothir
 Bark. And was in that tyme ane notable clerk callit
 10 Pictagoras, the quhilk had grete renoun. And ane othir,
 callit Socrates, was put in prisoun, and tharein poysond.
 And alssua, sais the storye, that the noble philosophour
 Aristotil was than of xvj ȝere of elde, and was disciple
 of Platoun. And in that tyme the Scabins come aganis
 15 Rome in grete effere of were, to destroy it alluterly.
 And than was it ordanyt that outhir the consules suld
 be put doune and the senatouris, or ellis thare suld be
 chosyn a chiftane to defend the citee. And thare was
 grete discorde, for the ta party wald it, and the tothir
 20 partye wald it nocht, bot that were grevit nocht mekle,
 nouthir to the ta part, na to the tothir, and hapnyt efter-
 wart that quhen the consules governyt at Rome, the
 Romaynes put thame furth of the toune, and said thai
 wald have na mare consules, and ordanyt ane othir
 25 maner of officiaris, the quhilkis thai callit trybunys,
 the quhilk is alsmekle, to say in Franche tong, as de-
 fendouris of the peple. And in that tyme was the first
 lawis civile that was brocht to Rome fra Athenes that
 is in Grece, and was wrytyn in x tablis of evore, to the
 30 quhilk the Romaynes ekit twa, and ar callit to this day
 the lawis of the tuelve tablis, and in Latyne, Leges du-
 decim tabularum. And efter that Rome was foundit
 thre hundreth ȝere, thare fell grete were betuix the
 Vegenes, with mony grete bataill discomfyt thame at
 35 the last, and putt thame to nocht. And efter the be-
 gynnynge of Rome thre hunder ȝere and sixty, the

Romaynes tuke be force the citee of Ipernestre, and viij othir citeis obeyand till it, and put thame in thair obeisaunce. And in that ilke tyme, was thare sa grete a mortalitee in Rome that it was grete pitee to se the dede of sum, and the sorowe of otheris. And in thai 5 tymes befell that in myddis the citee of Rome, the erde opnyt, and cum furth of the erde a stynkand ayre with a foule reik that smyttit sa mony folk that grete multitude of peple deide tharethrou. And syne efter that come agayn Rome the Cokkis, in Latyne, Gallici, the 10 quhilkis maid thame grete weris. And sa was thare a knycht askit justyng of a Romayn, and he grauntit him with gude will, and wan him wichtly of were, and tuke fra his half, a grete wreth of golde, callit a sarp be sum men, and put it about his hals, the quhilk is callit in 15 Franche a redorte. And be that caus, that knycht and all his eftercummaris of him was callit redortaris, efter that Cokk. And in thai tymes was borne Alexander the conquerour, that mekle was redoutit in all the world. And in that tyme the Romayns biggit the 20 citee, and Bennet now callit of Napolis, and als thai biggit Romain tolle.

[Chapter
VII.]

AND be caus that in this tymes, was the grete Alexander, here will we speke of his end, and how efter the 3ere a thousand thre hundreth and xxxvj 3eris, deid 25 the gude king Alexander, the quhilk be force of armyis had conquest all the Orient, lytill wantand. And thocht till have cummyn towart the Occident. Bot the dede that all thing tamys was starkare than he and all his ost. And thus may men se that the vayn glore of 30 this warlde is sone gane, for in lesse na in ane houre all the joy that ever man had in this wrechit warld, and richness he levis, Et sic transit gloria mundi. And the story sais he deid be poysoun. And his tyme of his conquestis lestit bot xij 3ere, and othir 35

xij 3eris he visyte his conquestis, as sum stories sais.
 And in the tyme of his regne, thare enterit in the parties
 of Rome and of Poyle, a kynde of men callit Sannes,
 and was armyt in armoure of gold and silver, rycht
 5 richly, and had grete dispyte quhen thai saw that the
 Romayns had sa grete powere, for thai wend nocht
 ony mycht have bene peris to thame, thai had sa
 noble contree. And thair maister citee was als mekle
 as Rome, or as Cartage, and it was callit the citee of
 10 Cappel. And quhen thai come in bataill aganis the
 Romaynis, thai war discomfyte rycht vilayusly, bot efter
 that, thai realyd, and come on the Romayns ane othir
 tyme, and discomfyte the Romaynis, and did thame grete
 outrage in playn felde of bataill place. Bot efter that,
 15 the Romaynis wan ane othir bataill apon thame, and
 discomfyte thame, and schew sik power agaynis thame
 that thai slewe thair king, and discomfyte thair citee
 utterly, and slewe mare na xxiiij thousand in felde.
 And efter this, quhen the peple of Tharent was averd
 20 that the Romaynis wald passe nere, our all the contree ;
 and put thame in the contrair of Rome, and askit help
 at the king of Grece, schir Peris, the quhilk brocht
 thame sevin thousand knyghtis, four score of thousandis
 of sergendis, and four hundreth olyphantis ; the quhilk
 25 nocht agaynstandand, he was discomfyte alluterly, and
 past agayn in his contree with fewe folk and mekle
 distress. And than saw thai of Tarent thai mycht na
 better do, and maid thair bandis of allyauncis with
 thame of Cartage agaynis the Romaynis. And was sa
 30 mony bataillis betuix thame that it was grete mervail,
 quhilk I may nocht count, for prolixitee. Bot a doctour
 callit Hutan maid a grete buke of thai weris. And it
 is to wit, that the citee of Cartage was biggit before
 Rome, the space of thre score and twa 3eris, the quhilk
 35 Cartage kepit the Cicil, and othir ilis in the see, to mak
 obeysaunce to Rome ; for thai sett thame to occupy the

senjeoury of thaim be force of armes. And thai gave counsele to Hanyball to tak part agaynis the Romaynis in the parties of Cicile, and sa did he, and brocht peple but nombre, that nane coud gesse sik multitude thai war, and with xxxⁱⁱ thousand Elephantis. And nocht 5 gaynstandand all this, the said Hanyball was discomfyte, and tynt all his schippis, and few eschapit of his folk, be twa consulis of Rome, the tane was callit Guet, and the tothir Gay.

[Chapter
VIII.]

HERE spekis he of Archile, consul of Rome, how he, 10 efter the chace of Hanyball, tuke his voyage with ma na sixty thousand tryit men of armys, and past toward Cartage to visyte Hanyball mare nere, and come to Affrik, the quhilk he put sone in the obeisaunce of the Romaynis, with maa na lxx citeis in that contree. And syne gave 15 felde of bataill to thame of Cartage, with the power of othir thre kingis with thame, the quhilkis he vencust, all halely, and put thame to the flicht, and slewe of thame unnoumerable. And sa folowit on thame toward Cartage, till a ryver callit Bragad, quhare thare was a Dragoun 20 grete and felloun, the quhilk held in lenth sex score of futis, the quhilk, othir tymes, had slayn mony peple, and namely of Romaynis, the quhilk that consul of Rome faucht with, and slew it, and gert fla it belyflaucht, and bring the skyn with him to Rome. And syne come he 25 with his power before the citee of Cartage, and profferit to trete with thame of pes, bot thai of Cartage for thair hye pryde and grete mycht, wald of na pes, sayand thai desyrit erar were na pes. For thai had mony princis with thame, to thair help and counsale, of the contree of Affrik, 30 and gave him day of bataill, the quhilk consul of Rome was discomfyte and tane prisonare, and all the Romaynis slayn down, and he put in straye prisoun, bundyn with mony chenjeis of irne, and sa was the ost of Rome destroyit that come in that contree with him in that tyme. 35

And quhen the Romaynis herd of that mysfortune, thai
 war sa wa thai wist nocht quhat to do, and withoutin
 langer delay, armyt thre hunder schippis with gret
 power, and send upon Cartage; and aganis the princis
 5 of Affrik; and thai of Cartage maid ane armyng of als
 mony schippis agaynis thame of Rome, and thare began
 cruell were and bataillis mortale. Bot at the last the
 Romaynis war discomfyte. And of thame spekis Orosius Fol. 15.
 the grete doctour, that the Romaynis ar hardy in curage
 10 quhen thai get na resistance, and redy to the flicht quhen
 thai ar wele contred. Alssua efter this, the Romaynis
 come into Spayne, and laid a sege till a place callit
 Sagence, and wan it throu hungir, and syne come apon
 schir Hanyball the Emperour of Affrik, and put the sege
 15 agayne before it, and wan it agayn, and destroyit it al-
 luterly, quhilk was grete pitee, for it was the flour of the
 citeis of Spayne in thai tymes, bathe of folk, and richness,
 and delytis. And quhen schir Hanyball he past fra
 Spayne towart Lumbardy, and throw the mountaynis to
 20 pas agaynis the Romaynes, the quhilk of peple had sik
 a multitude that was mervailous. And nochtgaynstand-
 and that, he tynt mony of his peple or he come in the
 playne land of Lumbardy, 3it was he ma na ane hun-
 dreth thousand of fut men, and twenty thousand horsmen,
 25 and all wele enarmyt. And thare was in that counsale
 at Rome, schir Publy, schir Cipro, and monsieur Sopny.
 And quhen the Romaynis herd tell that schir Hanyball
 was in the plate placis of Lumbardy, schir Cipro come
 agaynis him in felde with all his men3e rycht smertly,
 30 and the bataill was sa stark, and sa cruell that it was
 grete mervail that all the Romaynis that was thare was
 dede. And gaynstandand that Schir Cipro was a hardy
 man of armes, and come as a wode man, for sorowe and
 dule of his men that he saw tynt, and was wele horsit
 35 on a fair coursere, and come the rycht way to schir
 Hanyball, and gave him sik a dynt of spere that he

Bellum Ro-
 manorum.

wende he had slayn him, bot he was sone put to the ground and slayn, and sa was all the Romaynis slayn and destroyit in that tyme, and throu that ilke Hanyball and his ost.

[Chapter
IX.]

Bellum Romanorum.

Bellum Romanorum.

NOW spekis he here efter this, of this schir Sompny 5
consule de Rome the secund, he cummyn agayne fra
Cicile, with his menze, quhilk was nocht lytill, and
quhen he herd that his falow was our thrawin, and
his ost, with schir Hanyball, he was sa wa that nere
witles he wend. And furthwith, but mare abade, gert 10
blaw up his trumpis, chargeand all maner of men that
till him wald obey, that furth with, thai war redy to
pas apon schir Hanyball the Emperour of Affrik, the
quhilk was he herd, he drest hym stoutly agaynis
thame in his best wys, and sa was the twa bataillis 15
arangit, and come hardily, the tane agaynis the
tothir, quhare mony worthy man, knychtis, lordis, and
otheris was borne doune dede to grounde, throu dynt
of hand, that it was a grete pitee to se the cruell
vengeaunce. Bot at the last, all the Romaynis was 20
outhir dede, or tane, that archely mycht the consul
schir Sompny wyn away with his lyf. And quhen
schir Hanyball had done this, he herd tell of the
tothir consul, that was callit Flumen, the quhilk was
in the mountaynes with grete power, bot he had at 25
his governaunce mony grete citeis. Than schupe
schir Hanyball him, evin the stricht way quhare he
was. And quhen schir Flumen herd tell that he was
cummyn to seke him, he semblit his folk and maid
him to mete him in faire felde, bot the consul was 30
slayn, cummand to with schote, quharfore his men
tuke sik dispaire to thame that the bataill was tynt,
and all the Romaynis slayn and tane, off quhilkis
thare was left in the felde ma na xxv thowsand
fechtaris, and sex thousand tane prisounaris, sa that 35

the Romaynis was doutand to be destroyit at all
 poyntis. And sa ordanyt the counsale of Rome thre
 othir consules to maynteine the weris, that was schir
 Luce, schir Pol, and schir Publy of Tharent, and
 5 schir Baro, all four consules of Rome, and ordanyt
 thame four to pas in bataill agaynis schir Hanyball
 the Emperour of Affrik, with all the power thai
 mycht be of, and sa was done in dede, and sa fer
 passit thai to that contree quhare he was, quhill thai
 10 come till a place Canosse, and that was nere before
 Puylle, quhare thai arangit thair bataillis and strake
 stoutly togeder. And be caus the Romaynis war
 nocht wele in ordynaunce thai war disconfyte. And
 the Affricanis slew doune the Romaynis as thai had
 15 bene bestis, sa that thare was slayn and disconfyte
 in that felde ma na lxiij thousand persouns, and thare
 was schir Pol, and schir Emylle, consulis with xxv
 thousand grete men of nobless of Rome, and senatouris
 of grete renoune, be the quhilkis Rome was governyt
 20 in maist part. Bot ane of the consules callit schir
 Baro fled with fyve hundreth hors men. And, sais
 the noble clerk Orosius that and schir Hanyball had
 past furth with to Rome, efter that bataill, he had
 nocht fundyn na man to mak him diffence, bot he
 25 thocht nocht thareapon. Bot in takenyng of victorie,
 he gert gader togeder all the golde ryngis that was
 apon dede mennis handis, and turs with him to
 Cartage, the quhilkis mycht nocht all gang in twa
 grete tonnys. And the Romaynis had sa grete drede
 30 that, and he had cummynt toward the said citee, the
 peple wald have fled for raddour. And sa had thai
 done, had nocht bene schir Cipro deffric, quhilk dang
 agayn thame that wald have fled the toun. And
 thus was Rome put in grete distress, sa that thai tuke
 35 up for fault of men of armys, the labourouris bondis,
 and maid thame free, and maid thame knychtis, and

Magnum
bellum Ro-
manorum.

armyt thame with the armouris that, othir tymes,
 knychtis had gevin to thair goddis, efter thai had vic-
 torye in bataill. And ȝit for fault of men thai did
 mare na sa ; for thai gert tak out of all the prisounaris
 that was in all the prisounis of Rome, and made 5
 knychtis of thevis and revaris. And gert cry that all
 maner of man, that had bene before tyme banist out
 of Rome, suld cum agayne, and thai suld be maid
 knychtis, and have remissiounes, and inlawit for ever-
 mare, off the quhilk kynde of men thai gat wele sex 10
 thousand armyt men to kepe thair toune that did
 thame grete confourt. And than said the noble doc-
 tour Orosius, Haa, mighty God of hevin ! sais he,
 quhat nobless, quhat richness, quhat joye, quhat solace,
 quhat honour, in Rome is tournyt in grete distress, 15
 quhen the noble citee of Rome is governyt be bondis
 and thevis, revaris, murderaris and all maner of un-
 worthy men. Wele aucht thai, that ar of the alde
 honour, have thair hertis dolorous and disesit. Sa
 come schir Hanyball, with all his ost, towart the citee 20
 of Rome, quhill he come nere at twa myle or thre,
 that is bot a Franche legge, sa that all that was in
 the citee was rycht affrayit, that thai wist nocht quhat
 to do, quhill the ladyes and burgeis wyfis past on
 the wallis, and gaderit stanis to defend the citee, for 25
 fault of men of armes. And sa come Hanyball and
 all his ost nere to the wallis of the toune, till a port
 that is callit Collaby. And thare come agaynis him
 a consul, was callit Sylvi, and quhen thai war redy to
 strike togeder, thare rais sik a tempest that nouthir 30
 of the parties had power to stryke a strake for the
 cruelnes of the tempest. And sa past schir Hanyball
 agayn till his tentis. And als fast as the tempest
 was cessit, thai trompit up agayne, and come to the
 bataill agayne. And incontynent, quhen thai war redy 35
 to strike togeder, thare come agayn a mare hydous

Nota.

Nota.

Fol. 16.

and terrible tempest na before, be mekle thing, sa
 that thai war fayn on bathe the parties to unbedraw
 thame agayne to thair pavilliones and tentis. And
 thus Hanyball, considerand that the citee was desolate
 5 of help, God wald nocht the destruccioun of the peple
 na of the citee, and wald tempt God na mare, bot
 tuke his way, and past in othir contreis, and left the
 citee of Rome in pes.

HERE tellis the storye the mekle valiaunce of schir [Chapter X.]
 10 Cipro consul of Rome, the quhilk was of xxviiij ȝeris
 of age. Past in Spayne with a grete host of men, and
 wan a citee callit the new citee of Cartage, in Franche— Cartage.
 la Nouvelle, the quhilk he wan be fors at assault, in
 the quhilk thare was lord and syre the brother of
 15 Hanyball. And in that citee of new Cartage he fand
 sa grete quantitee of gold, that it was grete joy to
 see, With the quhilk he sawdit grete nowmer of men
 of armyis that him nedit nocht to send to Rome for
 wagis till his men. And in that citee he tuke the said
 20 brothir of Hanyball the Emperour of Affrik, and send
 him to the citee of Rome prisounare, and was callit
 schir Mangon. And efter this, the lordis of Spayne
 rais agaynis him, and thare was mony a stark bataill,
 bot ay he wan. And syne quhen he was wele refect, he Bellum.
 25 passit in Affrik, to mak were on Hanyball. And thare
 met him with bataill ane callit the duk of Pomes,
 in Latyne Pomorum, the quhilk he wan in a fair felde,
 and slewe of his menȝe ma na fourty thousand, the
 quhilk quhen the folk of Cartage herd, thai worth wode
 30 for dule and dises, and had sik drede that thai war will
 quhat to do, and send word to schir Hanyball that,
 for the lufe of God, he come sone to thair help. And Hanybel
 quhen he herd the newis bathe of his brothir taking, Bellum
 and of the grete slauchter that was done apon his Africanum.
 35 frendis, he gret for sorow. And gert warne all his obey-

saunce of Lombardye to mak thame redy to bataill,
 bot the knychtis of the landis of Lumbardy wald
 nocht graunt to pas with him in Affrik, for the quhilk
 he gert tak thame all and strike of thair hedis, and
 come on with sik power as he mycht be, rycht full of 5
 breth and ire. And come to Cartage, and thare the
 folk of Cartage send message to schir Cipro, till have
 trety, bot he wald nocht here thareof, bot dressit him
 to the bataille. And day was sett of bataill, in the quhilk
 to count all the vasselage that thare was done on ayther 10
 syde, it war mervaille to here, and our lang to declare,
 Bot fynaly the Emperour of Affrik Hanyball was dis-
 comfyt, and fled away, bot four men in his company,
 as sais the storye. And thare was sik slauchter of men
 that pitee was to see. And thare enterit schir Cipro in 15
 the citee of Cartage, for the gude men of were sa clene
 war slayn doune, that thare was na men for to defend
 the toune. And thus was the grete power of Cartage
 put doune be the Romaynis, the quhilkis of the realm
 of Cartage held thame lordis and maisteris. Bot quhen 20
 the king of Perunche herd the tydingis, it plesit him
 na thing, bot semblit a grete ost of men, and come
 agaynis schir Cipro and the Romaynis, the quhilk was
 passit agayn in Spayne. And thare was grete were, and
 grete bataill, bot at the last the Romaynis wan the 25
 felde, and discomfyt the king of Perunche and all his
 menze, and was grete peple slayn and tane. And quhen
 the king of Macedoyne saw this, he semblit a grete
 host to cum upon the Romaynis, and set thame bataill
 till a consul callit schir Flamme, the quhilk had grete 30
 multitude of gude men of armes; bot nevertheles, the
 said king of Macedoyne and all his folk was discom-
 fyte syndry tymes, and mony men dede worthy on aythir
 sydis slayn. Bot the said king of Macedone was put to
 nocht, of the quhilk the king of Anthoeche was sa 35
 displesit that he schupe him to mak were upon the

Bellum.

Bellum.

Bellum.

Romaynis, and come throu the contreis of Ayse and Europe, and quhill he come towart Affrik, the quhilk quhen schir Hanyball herd of his come, he semblit the litill power that he mycht be of, and come to the
 5 king of Antheoche, and put him in his company. And quhen schir Cipro herd that Hanyball was thare, he tuke mare curage na before, and semblit his menȝe and gave thame bataill, and thare grete nobless of men slayn on aythir syde, bathe on the land and on the see, for
 10 the ost of Antheoche come be see, and Hanyball with thame; bot to tell of all the bataillis and slauchter that thare befell it war tere to tell. Bot schortly, at the last the Romaynis discomfyte the king of Antheoche, and all his menȝe, and thare was this Hanyball agayne put
 15 to the flycht, with all the ost of Antheoche. Bot syne was the pes tretit betuix the Antheochanis and the Romaynis, be certane accordaunce and appoyntment, in the quhilk appoyntment Hanyball was nocht conforsit.

HERE spekis the storye of the destruccioun of the citee of Cartage be the Romaynis. And thus was it ordanyt be the governouris of the Romaynis, that all
 20 maner of man under payne of dede, brocht his armoure to the lordis of Romaynis, in the palace, the quhilk thai durst nocht gaynstand, but brocht all halely the
 25 harnes, and thai departit thame amang thair menȝe, and put the remaynand out of the toune. And quhen thai had this done, thai gert cry that all maner of man and woman of Cartage suld schape thame and thair gudis to pas in othir contreis to lyve, and leve the
 30 toune waste, the quhilk quhen the folk herd, than war thai wa that thai had gevin thair armyng fra thame, sayand that thai had lever all dee togider na to leve that noble toune, and ground that was sa delytable and sa gracious that thai had sa grete regrate to leve it,
 35 that all maid sik sorow, man and womman, that pitee

[Chapter
XI.]

Nota.

Nota. was to se. And sa thai tuke to counsale that, sen thai
 had nane armyng, na irne to mak it of, thay had gold
 and silver yneuche, thai suld mak thame armouris of
 gold and silver, and sa did. And maid thame four
 constables in the citee, and schupe thame hale for 5
 bataill. And semblit thame togedir, and sett fyre in
 ma na x or xii placis in the toune the quhilk for vi
 or vij dayis cessit never of birnyng that noble citee,
 the quhilk, as gude doctour Orosius sais, had sixty
 thousand pass about the vingang of the toune, and sixty 10
 cubitis of hicht the wallis, and the thiknes of xxx^{ti} fut
 the wallis, the quhilk was sa riche, mychty, and of nobless
 delytis and beautee, that it is nocht to be countit for
 dout that men wald nocht trow it, as sais the doctouris.
 And was biggit bot sex hundreth 3ere and ane, before 15
 that tyme. In the quhilk tyme the citee of Corinthe,
 the quhilk sanct Paule callis Ad Coryntheos, in Latyne,
 was tane be the Romainis, and wastit alluterly. And
 the takaris war schir Gay, schir Cornelli, schir Bruy,
 and schir Barro consules of Rome. Alssua all the 20
 contreis that men callis Achay was tane and put in
 the obeisaunce of Rome. And thus had the lordis of
 Rome at anis nere all the maist part of the world.
 And it is gude to wit how in that toune of Corinthe
 thare was mony ydolis, and fals goddis maid of gold 25
 and silver; for in that toune was grete quantitee of all
 metallis, quhilkis meltit quhen the toune brynt, and
 schot doune all togedir the metallis, and mellit thame
 all togedir, and was callit brasse. And in that tyme
 thare was a barne borne in Rome, the quhilk had four 30
 fete and four handis, four eyne and four eris, and had
 bot a hede, a body and twa pyntillis. And the barne
 was borne of a sclave, of the quhilk is mony in Rome.
 And this thing befell fyve hundreth 3ere and xli 3eris
 efter that the citee of Rome was first biggit. And in 35
 that tyme thare come agaynis Rome to destroy it the
 bellum.

Fol. 17.
 The vingag
 of the towne
 of Cartage.

powaris of Cipre, the poware of Almayne, and the powere
of Fraunce, bot the Romaynis was wele warnyt tharof,
and met thame fra Rome a grete way, in bataill rangit,
schir Mahet consul of Rome with peple unnowmerable.
5 And thare strake thai togedir, in a maner that hard was
to here tell, that sik a stour and sik vailliaunce, na sik
destruccioun of blude was never before that tyme sene
in a felde, for the bataillis was bathe sa stark and mychty,
sa cruell and sa mortall, that lang time the stoure durand
10 mycht nane ken quha had ony advantage, quhill at the
latter of the felde, the Romaynis tynt thair chiftanis
with mony of thair worthy men of armes, lytill and
litill with lang sare fechting, sa that quhen the bataill
tuke end as it behovit to do, the Romaynis was all
15 discomfyte in that bataill utterly, the quhilk was sa
lathe to geve our, that almaist mycht nane persave that
ony quantitee of peple eschapit fra the bataill. Off the
quhilk cruell mortalitee it was sa grete pitee to here
the crye, and the lamentacioun that in Rome was maid
20 be the peple, quhen thai herd the newis, for nane coud
nombre the grete multitude of peple that deid on bathe
the sydis, bot as I herd in the stories rehers, thare
deid of armyt men, but commonis, of the Romaynis
mare than xxiiii thousand, with fourty thousand of
25 otheris quhat of the partyes of Couloigne, quhat othir
thair allyes, and quhen the felde was dispoylit and
endit, the Franche men with thair allies tuke to coun-
sele, and send ten men of the Romaynes to tell the
newis to Rome, and ask deliveraunce of the toun. Bot,
30 grete god, quhat sorow was to se how the cry and the
noys rais in the toun amang the peple, sa hydously that
it was horrible to here, quhen sa oft and mony tymes
that thair kyn and frendis was slayn doune, and mycht
never lyve in pes na rest, that nane that saw it mycht
35 hald for grete. Bot ȝit was thare a noble man, consul bellum.
of Rome, callit schir Sompny, the quhilk semblit agayne

all the powere of Rome, and come agaynis thair inmyes
 foresaid; bot quhen he came the frost and snaw was sa
 fell, and sa stark weder, that thai coud nocht fynd to
 geve thame, as than, bataill. Bot sone efter, he set on
 thame smertly with sik hardynes and ferstee, that unes 5
 mycht the Fraunche men and the Almaynis put thame in
 ordinaunce of bataill. And sa for thair misgovernaunce,
 thai war discomfyte; and all that ost destroyit that grete
 pitee was to here tell. For, as the doctour in thai stories
 sais, thare was slayn in that felde that tyme, sevin score 10
 of thousandis; and sixty thousand prisonaris. And for
 that victorie that thame befell thare, was ordanyt to
 big a temple in Rome was callit Cypriane, pour lez
 gens; for the folk of Cipre that thare decessit. And
 thare was sa mony wommen with thair barnis tursit with 15
 thame, the quhilk barnis thai slew all halely, quhen
 thai saw the bataill discomfyt, and thair faderis slayn
 for dyspyte thare, etc.

[Chapter
 XII.]

Nota.

HERE tellis the storye of the bataill that was efter
 this, betuix the Almaynis and the Romaynis, the quhilk 20
 the Almaynis wan, and discomfyte the Romaynis. The
 storyis sais that efter that Rome was maid, sex hundreth
 sixty and ten ȝeris, thare was sene mony evill takenis
 at Charente. For a lang tyme efter, quhen folk schare
 thair brede on a day, the bred bled als fast as it had 25
 bene efter a wound. And efter that, was sene a grete
 flaumbe of fyre in the aire, sa hye passand, that it was
 lyke as it wald pas to the hevin, and all the tame
 bestis, as hundis and haukis, hors and ass, or schepe,
 or nowt, that was wount to duell with men hamely, 30
 worthy sa dolorous, that it semyt that thai gret for
 sorow, and hid thame in woddis, and namely, the doggis
 past in woddis and hid thame as wolfis, and maid sa
 grete noysis and dolouris, that it was like a greting.
 And sone efter that the Almaynis sett thame to revenge 35

Nota.

cruelly the destruccioun of thair peple, And sa had
 thai syndry bataillis that was done in thai parties, the
 quhilkis we leve to speke of as this tyme. And it is
 to wit that Julius Cesar regnyt in that tyme, quhilk Julius Cesar.
 5 was 3ong, and was discomfyte in that bataill, and mony
 of the nobles of Rome. And Julius Cesar fled him
 allane with few in company, that with grete payne
 mycht he sauf his awin lyf. And mony tymes war
 the Romaynis ourcummyn in thai tymes, and had grete
 10 misfortune, and tynt mony grete bataillis in syndry
 contreis, and ay had the werr. And quhen the sena-
 touris saw the fortune gang agaynis thame sa auk-
 warty, than cled thai thame in clething of sekkis, and
 in wedis of doloure. And sa did the noble consul
 15 Julius Cesar, that was bot consul 3it, and was of sa
 hye hert that it grete mervaille. The quhilk lord, quhen
 he saw the senatouris and consules sa cled in sekkis
 and in dolour, and him self in the samyn, his hert
 rais in his breste and belit sa, that unes mycht he
 20 left for ire. And gaderit the power of Rome, and past
 apon the inymyes of the empire of Rome, and gave
 thame bataill with sik a stoutnes of hardy men of
 armes that he putt thame all to destruccioun, and
 vencust all thair men3e, and put thame to nocht. And bellum.
 25 in the samyn tyme come newis till him that ane othir
 consul of Rome, callit schir Pompee, the quhilk othir
 tymes was discomfyte with a kynde of men callit Fol. 18.
 Damasienis, and had agayn realyd his folk, and gevin
 thame bataill, and wonnyn thame and destroyit thame
 30 alluterly, and slew of thame xxv thousand, slew thair
 Emperour with mony noble werreyoure.

HERE spekis the storye of ane callit Scilla inmy to [Chapter XIII.]
 Rome, the quhilk strake mony grete bataill agaynis
 the Romaynis, that, within less na x 3ere, thare deid
 35 in prisouns xxiiii thousand Romainis. Et cinq cens Nota.

noble; seigneurs, and fyve hundreth nobles of lordis
 of Rome that deid in prisoun, with four consules, the
 quhilkis the inmyes wald nocht lat to ransoun for
 thair grete vaillantnes, the quhilk war our lang to tell.
 And in this tyme the noble consul Pompee held up 5
 the weris for the citee of Rome in parties of the Orient,
 in the quhilk tyme he strake bataillis agayn xij crownit
 kingis in the Orient, the quhilk he held at the barr,
 and lete thame litill wyn at his hand. For bathe he
 and his men war bathe wys, and hardy, and under- 10
 takand, and of gude lyf, that is mekle to pris in men
 of armes, for quhen thai ar clene, than ar thai hardy
 as lyounne, and never ar affrayit for perile that may fall,
 na disconfortit; for worthy men and hardy ar ay of
 gude confourt and governaunce. 15

Nota.

(Chapter
XIV.)

Nota.

HERE spekis the storye of Julius Cesar, the quhilk, for
 his mekle noblesse, thre worthi princis come till him of
 thair awin curage and propre motyf, and maid him
 obeisaunce. The tane callit was Ysalpyne, and the
 tothir Galea tressa pino, and the thrid Thomasselyn. 20
 In the quhilk tyme, as sais the stories, mony grete
 batailles was strikin agayn the Franche men be Julius
 Cesar, bot the Franche men had tynt sa mony men
 that thai mycht na mare. And alsua, on the tothir
 part sa mony men was tynt, that unes mycht men 25
 se quha had the better, sa mony was dede on every
 syde. Bot ever the said Julius Cesar maid the discon-
 fiture, and put the Franche men all to nocht, and syne
 passit agayn to Rome. Bot in passand he destroyit a
 citee that was callit Turannes, that rebellit till him, and 30
 turnyt him agayn in the landis of Gallie, and maid a brig
 apoun the ryver of Ryne, and quhen he come towart
 Rome agayn, a Consul callit schir Tranaa wald hald him
 at the portis, and nocht geve him entree. Of quhilk he
 was at grete males. And than was Pompee with a grete 35

ost in the Orient. And than quhen Julius Cesar was
 cummyn to Rome, thai durst nocht warne him the portis,
 bot thai said thai had na gold to geve him to pay his
 souldiouris of thair wagis. He past to the hous of the
 5 commoun tresour of the toune, and brak up the portis,
 and tuke the gold that he fand thare to pay his mennis
 wagis with. And syne furthwith passit to the land of
 Legioun in Spayne, and thare conquest a menȝe callit
 Alphis, And syne passit ferrar in Spayne, and conquest a
 10 kynde of men callit Pempionis. And this did Julius Cesar
 for despyte of Pompee, quhilk had grete invye at him,
 the quhilk was Consul of Rome, and had done grete
 gref to that contree. And quhen he had done his will in
 party, and quhen he had reconfort his menȝe, he passit
 15 in Lombardye to mete schir Pompee, the quhilk fled bellum.
 nocht, bot bade him stoutly in felde, for he was a worthy
 prince and hardy lorde, and had folk ynewe at will, and
 als he dred na man. And thare he ordanyt his bataill in
 xxxii companyes, the quhilkis ar callit in Lombardye
 20 cohors, that is divisiounis of bataillis. And quhen Julius
 Cesar wist quhare he was, he sped him rycht sone toward
 him, and ordanyt agayne his xxxii partis of his bataillis,
 als mony partis of his menȝe to mete thame. And sa
 began the grete bataill sa vigorous, that the stour strake
 25 in the hevin of the crueltee of that mortall bataill, that
 it nedis nocht to tell, na rehers the grete prowess and
 nobless of armes that thare was done, quhilk war our
 lang to compt. And quhen the bataillis had sa lang
 lestit that it was grete mervail till endure, the bataill
 30 of Pompee began to sched and till irk, and toke
 the flicht, and past in the parties of Egipt, he and
 thai that was left on lyve of his company. And thare
 the king of Egipt herd that he was inymy to Julius
 Cesar, and gert put him to cruell dede, for he lufit
 35 wele Julius Cesar, and fayn wald have done him
 plesaunce. And than Julius Cesar that wist nocht

Julius Cesar.

that he was dede, said he suld folowe him ay quhill
 he fand him, and past efter him in Alexandry. And
 quhen the King of Egipt herd that he was cummand,
 he send him the hede of Pompee and his skyn, the
 quhilk quhen Julius Cesar sawe, he gret sa fast that 5
 he mycht nocht stanche lang tyme efter, sayand that
 grete pitee war that sa worthi a man suld dee sik a
 dede. And thus past Julius Cesar to the citee of
 Rome, and was ressavit with grete joye. For mony
 ane of the commoun lufit him, and the grete that lufit 10
 him nocht doubtit him, and sa did him honour. And
 quhen he come to Rome, than was he maid consul
 with grete chere, grete feste and grete solempnitee.
 And thare furthwith, he gert assemble all maner of
 man of were, and ordanyt him to passe in Spayne, 15
 for Pompees remaynis of his men maid syk deray thare,
 that thai destroyit all that to the Romaynis pertenyt
 in that contree. And thare he past and put to subjec-
 tioun all that kynde of men, and scourit the contree of
 thame, and destroyit thame halely. And syne he past 20
 agayne to Rome with grete solempnitee. And incontyn-
 ent, efter that he was cummyn, thai callit him in coun-
 sale, and gave him the name of prince of Rome, for the
 grete vailliaunce, and worthy dedis of armes and mony
 bataillis that he did for the fredome of Rome. And 25
 treully I fand never storye, thus sais the maister of
 storyes, hydirtillis that ever callit Julius Cesar Emper-
 our of Rome, bot consul ever quhill he come than last
 out of Spayne. And than was he callit Emperour, as
 said is. Bot gif ony callit him Emperoure, that was 30
 mare for the grete bataillis and grete dedis he did, the
 quhilk sterit ane Emperouris estate in his tyme, na for
 suthfastnes. For the doctouris sais thai fand never in na
 cronicles, na stories of Rome, na otheris that ever he was
 callit Emperour, bot anerly first consul, and syne prince 35
 of Rome. Bot he was rycht mekle enclynit to vertue

Nota.

- morale, and all nobless, for he was bathe honest and
 honourable, curtais and free, hardy and full of all gude
 proprieteis, doubtit and lufit with all men, that a man
 may nocht count all the notable condicionis that was in
 5 him, that I have grete dule to think on his dede, war
 nocht that it behovit be to cum till oure purpos under-
 tane. Sa it befell in Rome, that mony envyes was had
 apon him with the fals traytouris of Rome. And among
 the lave was ane callit Brut, and ane othir callit Casse.
 10 Within the 3ere efter that he come of Spayne and was
 maid prince, thai twa conspirit his dede. And sa be-
 hapnyt that ane hundreth dais before his dede, thare fell
 a tempest of the hevyn apon ane ymage, was maid efter
 his semblaunce, and was nereby the capitoyle. And that
 15 tempest of fyre fra the hevin strake away the letres that
 was writtin in his name apon the marbre stane of the
 ymage. And in the nycht before that he was put to
 dede, thare rais a wynd in his palace sa terrible grete
 and hydous that he doubtit that his palace suld blaw to
 20 the erde, that for ferdenes he rais and past to visyte his
 palace. And syne quhen the tempest was cessit he come
 in his bed; and the lady his wyf said till him that scho
 had had a grete avisioun that nycht, prayand him to hald
 him in at prayeris and contemplacioun for that a day, to
 25 set by ane evill houre, gif ony was to cum that day.
 And than quhen he rais, the senatouris send for him to
 be at the secrete counsale of the toun that day in the
 capitoile. And thare the lady his wyf maid him in-
 stance nocht to pas thider, bot he wald nocht do hir
 30 counsaile. And 3it with that, come a secrete letter till
 him in the mornyng, of ane of his maist speciale frendis
 quhilk had sum persaving of the mischef. And he had
 na grace to rede that letter or he past to the capitoile to
 the secrete counsale, bot held the letter in his hand
 35 unred quhill he was cummyn in the hall of the capitoile,
 the quhilk had he red he had savit his lyf. And be caus

The slawch-
ter of Julius
Cesar Em-
preour.

Fol. 19.

that it was ordanyt that na man suld enter in the capi-
 toyle with wapnis na armouris, nocht samekle as a knyf,
 and tharfore the prince Julius Cesar brocht with him
 nouthir wapyn na armuris na othir defence bot in his
 semat. And than the traytouris that had his dede 5
 machynit had ordanyt ilkane of thame ane broche of
 stele of gude lenth put doun on lang his hos. And
 alsfast as he was cummyn in the counsale, thay traytouris
 ran on him and strake him throu the body in ma than
 ane hundreth placis. And quhen he sawe he was be- 10
 traisit, he defendit him with fete and handis, and gert
 mony of thame grovill that he mycht our get, and sa
 stoutly sterit him amang thame quhill he mycht stand,
 that thare durst nane cum on him allane bot thai war all
 togeder. And sa lang daggit thai in him behynd and 15
 before, and on aythir syde, quhill at the last he fell doune
 dede in the place, off the quhilk it was grete scathe to the
 citee of Rome. And quhen it was discoverit in the toune,
 thai maid grete regrate and lamentacioun for the noble
 prince, and furthwith gert mak a toumbe apon a hye 20
 pillare of marbre in the fairest place of Rome, in myddis
 of the mercate, and set thare abune ane ymage of him
 curiously corvin in marbre the maist honourably that
 mannis wit coud devis, the quhilk is 3it callit the pillare
 Julien, the quhilk is of vi score of fut of hicht abune the 25
 erde. And as tellis the storyes of Rome, thare was a
 labourare nereby Rome, the quhilk at his pleuch gangand,
 broddit his ox with a scharp brod, the quhilk ox spak
 agayne sayand till his maister, quhy broddis thou me?
 thou dois nocht wele tharof, for thou seis I am bot a 30
 beste and dois as a beste. Bot or lang tyme be gane,
 thare sall men that ar callit resonable do mare bestly
 dedis. Of the quhilkis wordis the labourare was sa
 abaisit that incontynent he passit to the citee and tald
 this mervail, quhilk na man coud devis na juge, quhill 35
 the cas befell of the cruell tresoun of Julius Cesar the

Nota.

noble prince. Quharfore men suld nocht our mekle
 sett thaire hertis on warldly fortune na felicitee, the
 quhilk quhen scho puttis a man to maist honour and
 glore, than is it in maist perile to turne sudaynly fra the
 5 hicht and puttis him full lawe, the quhilk fortune has
 schawin hir fekilnes in mony maner of wys to the
 worthiest that ever was as Ector, Alexander, Julius
 Cesar, Josue, Judas, David and Salamon the wys,
 Sampson the wicht, Absolon the faire, Arthure, Charlis,
 10 Goddefray of Baylloun with mony ane othir full worthy,
 the quhilkis fortune has set hye up on the quhele and
 quhen scho left turnys the chaunce.

[Chapter
XV.]

HERE spekis the storye of Octovian the nepueu of
 Julius Cesar, the quhilk, quhen his eme Julius Cesar
 15 was dede, he come to ask the seignoury of Rome efter
 his eme, the yere efter that Rome was foundit, sex
 hundreth and xj yere, the quhilk was ressavit, for he
 was the said Julius Cesaris brotheris sone and of grete
 30outhede. Bot nevertheles he wrocht dedis of elde and
 20 nocht of 30outhede, for he conquest the Messines, and
 was be him mony grete bataillis strikin mervailous,
 and apon a maner of folk callit Philippianis the quhilkis
 was wikkit and evill peple and grete werreyouris. And
 efter that, he vencust thame of Perusse that was grete
 25 inmyes to Rome. And schortly to say, all the contreis
 that war nere about Rome, that war rebellouris he put
 thame sa law that thame behovit obey. And syne
 efter that, he passit in Pers in the Orient and tuke it
 be force. In the quhilk voyage he had mony bataillis,
 30 and all was till his honour. And than quhen he come
 agayn to Rome, than was he callit Emperour per le3
 Romaynis, In Latyne, Augustus, and was the first that
 ever was callit Emperour of Rome be suthfast and trewe
 histories. And fra thyne furth, all the contreis began
 35 to mak him obeisaunce, in takenyng that he suld have

[Chapter
XVI.]

Nota.

The fyrst
Emperator
of Rome.

the obeysaunce of all the lave of the world. And be
 caus that in this Octovianis tyme the sone of God
 Jhesu Crist come in erde and tuke flesch of the blessit
 Virgyne Mary, I will speke now no mare of his govern- 5
 aunce. For the lawis sais quod adveniente principe,
 cessat omnis subordinata potestas, that is to say that
 quhen the principale lord and prince cummys, all
 jurisdiction of jugis subordynate cessis, etc.

(Chapter
 XVII.)

HERE spekis the autour of a questioun be the quhilk
 jurisdiction come first to mannis sone in erde. Now 10
 sen we have schawin how first come Kingis, and that
 Kingis was lang before the Emperouris, now gude war
 to se how jurisdiction and execucioun of law come
 first to man, to be haldin amang men. Apon the quhilk
 thing I sall move twa questiones, sa that temporale men 15
 and secularis may better know the caus quhy and how
 it come first. And first, I spere quhyne come first juris-
 diccioun? The secund, quha was the first Juge? And
 as belangand the first questioun, fra quhyne come juge-
 ment, I ansuere the efter a chapiter in decreis that it 20
 come fra God himself, and be his awin ordynaunce; and
 the said chapter begynnys thus in Latyne, Qui resistit;
 and ane othir begynnys thus in Latine, Cum adveniente.
 Bot gif thou redar will argue me thus, sayand that sup-
 pos God gave power now of late to man, he gafe nane 25
 at the begynnyng of the world to have lordschip juris-
 diccioun na power ane apone ane othir; I ansuere the
 that it is suth. Bot natheles he gave to man wit and
 resoun, knaulage and discrecioun to governe him reson-
 ably. And allsua he ordanyt be nature, and allsua 30
 naturale resoun and discrecioun schawis that, in all
 thing that has partis and membris, it is necessitee that
 it have a hede. For quhy, quhare thare is na hede,
 regemen na ordinaunce, thare resoun naturale failis, for
 that cumis to men be ordre of resoun, for nature has 35

ay resoun for it, and ay puttis resoun before, as God has ordanyt. And thus lordschip and jurisdiccoun cummys first of God and of resoun naturale, for till accord mennis desiris togeder. For man may se be rycht experience that quhare every man is ylike grete maister, that folk is bot in divisioun and discensioun, and sone efter cummys to perdicioun. And alssua men seis that in ane host of men of were is maid ay ane constable. Bot in that entent that he suld be cheif, in cheif lordis
 10 name, to governe that host in law and resoun; and that all the lave suld be obeisand as membris under him, to be governyt for thair awin gude, and the profitte commoun. Alssua quhy is it that in schippis on the see, men makis ay ane patroun and maister our the
 15 lave to governe all in resoun all the membris of the schip? Certaynly bot that God has gevin sik naturale resoun to man that him thinkis it is behuful thing and necessaire, and may nocht ellis be gudely governyt. And thus all jurisdiccoun and justice cummis fra God;
 20 and chosyn be resoun naturale throu mannis wit. And alssua the gretest clerkis philosophouris naturale that ever was, sais in thair naturale science of phisik sa, unde Latinum Arestotiles, In omni pluralitate membrorum, necesse est ut unum principetur et cetera
 25 fuerint subjecta. The quhilk autoritee is thus understandin, that in all pluralitee of membris, it is necessair that ane be as prince, and all the lave be obeysant till it, and subjectis at his bidding.

HERE speris the Autour quhilk was the first juge that
 30 ever was ordanyt amang mannis sonis. To the quhilk questioun he ansueris sayand that God was the first juge that ever was. For quhy, quhen Adam had synnit, God gave the sentence sone agaynis him, that in the suate of his visage he suld wyn his brede, with the
 35 tothir sentence also. Alssua quhen Cayn slewe Abell,

[Chapter
XVIII.]

God gave the sentence alssua, and refusit his sacrifice,
 quhareby he schawis that unrychtwis offerandis ar nocht
 acceptable na thankfull to his godhede. Alssua mony
 othir sentences God gave amang men, quhilkis war our
 lang to wryte. Bot fra the lignee of Adam multiplyt 5
 in grete peple, quhen ane did ane othir injure, the fader
 ay did resoun and chastisit his sone; for it efferis to
 the fader to chastis his barnis; and to the barnis it
 efferis to be subjectis and obeysand to the faderis.
 Syne efter this, the fader began to be juge of his awin 10
 sone. Bot for sum tyme it hapnis in erde that the
 barnis ar nocht of gude teching na will nocht tak with
 the doctryne of the faderis, na wald nouthar tak teching
 na chastisement of the fader. And alssua sum faderis
 ar sa pitous and wayke spiritit, that thai coud nocht 15
 fynd in thair hertis to dyng na chasty thair barnis, quhilk
 norist thair barnis ay the mare in vicis, quhen thai saw
 thai war sparit and favourit of thair faderis that mycht
 nocht fynd in thair hertis to punys thame efter thair
 desertis as justice requiris. For few is thair faderis 20
 that, and thaire barne had slayn ane othir wyfis barne,
 wald put thair awin barne to dede tharefore. And be
 this caus, quhen the peple persavit that the faderis wald
 do na resoun, na justice of thair barnis, na that the
 barnis quhen thai come till elde wald thole na correc- 25
 tioun of the faderis, resoun gave the folk in thair hertis
 to mak a soverane, the quhilk suld have na pitee to
 do law and resoun, and to justify every man efter his
 desertis, and the quhilk had power to do justice apon
 bathe grete rebellouris and misdoaris as apon the smallis, 30
 and that mycht sustene the fede of thame quhen he
 had done. And alsa, the quhilk had wit and resoun,
 knaulage and discrecioun to do justice and equitee
 betuix parties; and that tobe maid with consentis of
 all that it appertenyt till. Bot sik reulis of ordynance 35
 of jugis was nocht in thai tymes ordanyt be the com-

Nota.

- moun consent tobe maid. Bot quha mycht, be maistry
 or force of armes, be lord and maister, he tuke juris-
 dictioun till him of his awin autoritee, as I have othir
 tymes before declarit in this volume. And sa was
 5 sene on thame, for thair jurisdictioun began with force
 and crueltee, and endit rycht sa soroufully, of the quhilk
 I sall gyf 3ow a schort ensample in few termes. And Babilon.
 namely of the first realme of Babilone, the quhilk was
 begunnyn be fors be ane callit Namrot, the quhilk, throu
 10 verray fors was the first lord of that realme; for he held
 sa mony folk in his company that nane durst gaynsay
 him, na his bidding gaynstand, And tharfore, sais a
 decrete as langand that mater, in this maner, Non est
 caput Namrot Robustus venator coram domino, id est
 15 oppressor hominum quem eciam ad turrin edificandam
 elegit. That is to say that Namrot was ane oppressour
 of peple and gert thame mak the grete tour of Babilone
 be fors. And sa, be force, and nocht be the chos of the
 pepelis, electioun was first conquest, and maid the toun
 20 and tour of Babilone. Alssua the secound of the grete Cartage.
 realmes that was, was callit Cartage, the quhilk alssua was
 conquest and biggit be force and maistry of ane callit
 Calla, and be grete tyranye, as the bible beris witnes.
 And the thrid grete realme was Macedoyne, the quhilk Macedon.
 25 was alssua foundit be Alexander the grete, be force and
 maistry of tyranny, as sais the bible. The ferde grete Rome.
 realme was Rome, the quhilk was foundit be Remy and
 Romelus, quhilk be force of armes and tyranny was con-
 quest and foundit, and all othir lordschippis that thai
 30 wan, and nocht lauffully. And nevertheles mony lordis
 othir tymes, that has conquest landis be force of armys,
 has kepit gude law and justice efterwart in thair con-
 questis, and that is commendable. And gif 3e will wit Nota.
 quhat difference thare is betuix a noble prince and a
 35 tyrane king, I sall schawe 3ow in the glos of Johne
 Androw, doctour in decrete. And specialy that a prince

that is a verray noble prince is ay enclynit to the commoun prouffit, and takis ever payne and travaill for the commouns, and mare for the proffit of the commouns of his contree na for his proffit singular. Bot ay the grete tyrane lukis till his awin prouffit of his awin purs, and has na cure of thing in the world bot to fulfill his coffris, and of god na man he settis nocht, sa that his lust be fulfillit of warldis gudis. And sik jugis ar bot bastardis, in regarde of gude faithfull lordis that ar enclynit to cheritee and commoun proffit, to goddis law and mannis; for of sik men the jurisdiction is feynyt, and tane of fors, and nocht commyttit of the hiest juge. Rycht as ane antepape is nocht verray pape, na has na veray jurisdiction of sanct Peteris powar. Bot has ane jurisdiction usurpit on fors wrangwisly, the quhilkis condampnis thair saulis and destroyis the commoun prouffit. As thare is mony now dayly in the haly kirk, of antipapis, quhilkis pervertis the faith be grete scismes and divisoun, the quhilkis dois that, mare for to have honour in the world, and digniteis in haly kirk, na thai do for the encrescing of the faith, or to manetene goddis service, or to defend haly kirk fra oppressioun, or to fede pore peceable personis, or othir dedis of cheritee to fulfill. The quhilkis prechis preching contrarie to the gude faith, mare for the dout thai have to tyne thair digniteis, that thai have gottyn wrangwisly throu usur scisme or symony, na thai do for to quyte thair dett to thair lord of the grete charge thai have tane of haly kirk. Off quhilk, bot god of his hye grace set remede, I se na way how the haly kirk, the cristyn faith, and the commoun proffit may be kepit in gude policy and gude governance. And tharfore, as sais sanct Jerome, the pastouris has brokyn and rent the vestementis of haly kirk, that is the cristin faith, and has corruptit the peple be force of fals doctryne. Bot gif that ony bischoppis or archebischopis,

Nota.

Fol. 21.

or othir gudely haly men, in quhilkis the faith remaynis
 help to bring agayne the kirk in unitee be sum gracious
 way, of the quhilk scisme and divisioun, quhen I think,
 I have sa grete dule, that quhen I se quhat state the
 5 cristyn faith standis in, and in quhat divisioun the haly
 kirk is this day, that I wate nocht quhat I sall say, bot
 erar me think it better ware I held me still. And thar-
 for I will leve this mater, and pas to my first purpos of
 my first undertaking, sen I can here set nane othir
 10 remede, etc.

Here endis the secound party of this buke.

Explicit secunda pars bellorum.

[THE THIRD PART.]

HERE folowis the chapteris of the thrid
party of this present buke, as folowis here
be declaracioun.

In the first, quhethir it be lefull and lafull thing till entre in clousit felde to defend richtwis caus	[cap. i]	5
Item, of the samyn mater ȝit spekis he mare furtherly	[cap. ii]	
Quhethir it be thing possible that this warld be in pes	[cap. iii]	10
How that force is ane of the principale foundementis of bataill	[cap. iv]	
How it may be kend in a man gif he be forsy or nocht	[cap. v]	
Quhethir is mare vertu till a man to assailȝe, or to byde in felde	[cap. vi]	15
Be how mony thingis may men knaw the prowess of a knyght	[cap. vii]	
[Gif] a man suld erar ches to dee in felde, na flee fra the bataill	[cap. viii]	20
Quhat punycioun suld he have that passis fra the ost but leve	[cap. ix]	
Quhat punycioun suld he have that fechtis with his lordis inymy but leve, or of the constable	[the same]	25

HERE speris the autour quhethir is it lefull and laufull
till entre in clos barras for to defend or assaile rychtwis
querele in armes.

[Chapter I.]

Nota tak
tent to this
cheptor.

To the quhilk questioun he ansueris that nay, and the
5 resoun is quhy—for it is oft tymes sene that he that has
gude rycht tynis the felde, and the wrang querele wynnys.
And tharefore it is nocht spedefull that bataill be in sik
kynde, of the quhilk mater spekis a law of the decreis
that in a citee of Spoulet befell sik a cas that twa brethir
10 was bathe accusit of thift, for the quhilk the usage was
that thai suld enter in barras tharfore for fault of othir
witnes pruf, and was disconfyte and put to dede. And
within schort tyme efter, the verray thef that did the dede
was tane with the samyn gude, and grantit the thift, and
15 be that caus the lawe forbedis bataill in barras. The
secound resoun is, for quhen a man takis his pruf or
defens in sik maner, it is like as he tempit god, to pre-
sume that god will schaw to him thare, quhilk is clene,
quhilk foule, quhilk is agayne goddis lawis of theology,
20 and haly scripture. The thrid resoun is, for quhy that
it war bot wayne thing to jugis to do justice, gif men suld
be prufis thame selff; for quhat resoun is thare here in,
till a man to say gif I may nocht prove this laufully, I
sall prove it with my body. Than suld mony licht 3ong
25 rekles men, quhen thai wantit gude, tak bataill apon
sakeles men that ware wayke men of age or of nature,
feble or sekely. And thus mycht mekle folly throu this
custume be done. To say—for nane wate this bot he and
I, tharefore I sall prove it with my body—that is bot a
30 wayke resoune. And lo quhat quhy, for suppos I, be-
fore a juge, accus a man in sik maner, and has na pref
thareto, the law sais, In the mouth of twa or three
personis all word suld be trowit. And gif a man failis
his pruf, the defendour is quyte, the law sais thus in
35 Latyne, In ore duorum vel trium stat omne verbum.
And allsua it sais, Actore non probante reus absolvitur.

Fol. 22.

Quharfore, gif I faile of my pruf be twa or thre lele
 men to witnes, the juge may assoilze my party, and
 frely delyver thame fra my clame for evermare in that.
 And tharfore suld men be wele avisit, or thai put crime
 till a man, bot thai war wele sekir of gude pruf, for 5
 ellis he is behaldin to mak him a grete amendis for
 the accioun of injuris. And gif men wald say that it
 is grete wrang that mysdedis that ar secretly done,
 than suld nocht be punyst, for god reservis till his
 jugement all secrete misdedis. And as to that, sais 10
 a doctour in the lawis, that it is the will of god that
 sum secrete misdedis remayne to the last jugement.
 For and all thingis that ar done in this warld war
 jugit here, the jugement of god in the tothir warld on
 domysday suld have nocht ado, the quhilk is nocht to 15
 trow; for it is ane of the principale poyntis of oure
 faith, *Judicare vivos et mortuos*. Or quhat resoun is
 thare in this, that suppos this man or that has tynt
 the bataill, tharfore he had the wrang, and the
 wynnar the rycht; quhat resoun? certaynly nane. 20
 And this is said agaynis the opynioun of the Lom-
 bardis, quhilkis said aganis the quene of Napplis that
 scho had grete wrang to sustene the pape Clement;
 for had the pape Clement had rycht his folk had
 nocht bene in bataill disconfyte. In bataill, that is 25
 to say, the king hir husband, nocht gaynstandand that
 sum clerkis of Lombardis said, sen thai put thame
 in felde to ficht in that querele, it was like that god
 schewe thai had na rycht to the pape dome. And god
 wate that is a symple resoun, for oft tymes the cristyn 30
 men gevis bataill to the Sarrazenis, bot for that, the
 querele of the faith failzeis nocht, suppos thai tyne the
 bataill na xx^{ty} na xxx^{ty} na ane hunder, na a thousand,
 bot the maa martyr is ar to god in hevin glorifyit, etc.

HERE spekis the autour mare furthirly to this mater [Chapter II.]
 foresaid of bataill clos. And for to better determyne
 this questioun of bataill foresaid, I say thus, that trewly
 it is agaynis all lawis of god and haly kirk, to prove a
 5 mannis caus criminale be gage of armes in clos bataill,
 of a mannis free will, bathe for the caus foresaid, and
 mony otheris that may be allegit. Bot, as be rycht of
 custume of kingis and Emperouris, or temporale lordis
 it is done, and tholit to be done at the will of princis,
 10 suppos it be discordand to gude faith and to law of haly
 kirk. Of the quhilk mater thare was a grete questioun
 before pape Urbane the fyft and the king of Fraunce,
 at Ville neuffre besyde Avyignyoun. The quhilk king
 manetenyt a bataill clous tane before him be twa clerkis,
 15 the tane Fraunch and the tothir Inglis. And gert the said
 pape forbede, under payne of cursing, that nane suld be
 sa hardy tobe present at that bataill. And nocht forthy
 the king of Fraunce, for all that forbeding, wald leve
 na forbere to ger fulfill the said bataill, bot wald hald
 20 up the custumes of kingis and Emperouris and princis
 agaynis the commandement of the kirk, of quhilk he did
 evill.

HERE spekis the autour, of the tothir questioun, [Chapter
 III.]
 quhethir it be possible thing that this warld be in pes
 25 but weris and bataill. And first I say nay, and the caus
 is, for be all clerkis of naturale philosophy, that it is im-
 possible that the hevin be still bot moving, as we se
 that dayly it movis fra the orient to the occident, and
 fra the occident to the orient agayne, and sa furth. Bot
 30 the thingis that ar corporale in this erde steris nocht, na
 movis nocht with the moving of it, that men may per-
 save, bot jit have thai othir naturale movementis as
 clerkis kennis. And nevertheles, all thir erdly thingis
 that nature here has maid ar governyt and sterit be
 35 the hevin and the corps celestialis. For men seis evi-

dently that the influence of the hevin gerris all thingis
 in erde tak growth and encrescement, and gevis thame
 thair condiciounis and thair proprieteis of nature, as
 wele understandand men may se be the mone: quhen
 it is full, all thingis that ar in erde, that ar governyt be 5
 wak or moystnes, ar mare forssy and vigorous na quhen
 it is wane, as is the fillyng and flowing of the see, the
 flesch of man and beste, and thair blude, the growth
 of treis and herbis, and specialy the mannish harnis is
 full in the full mone and at the full see, and wanis as 10
 the see, and mony othir mervailous thingis, quha coud
 tak tent, as sais the wys philosophour Arestotil, *Necesse
 est hunc vero mundum inferiorem laconibus superioribus
 esse contiguum ut inde tota virtus ejus gubernetur*; that
 is to say, that it is necessair thing that this law world 15
 that we ar in be touchand next to the speris of the
 hevin, sa that throu thame, all the vertue of this nethir
 world be governyt And thus is it veray suthe than that
 all the vertew that the erdly thingis takis, thai tak fra
 the hevin, and fra the said disposicioun of the sternis 20
 and the planetis. And we se clerely that the naturis of
 the sternis and planetis ar contrary; for we se that ane
 is calde, ane othir is hate, ane is wete, ane othir is dry;
 ane is engenerand lufe, ane othir haterent, ane were, and
 ane othir pes, ane luxurius, ane othir chaste, the tane is 25
 sangwyne, the tothir is malancolius. Than is it force and
 necessitee that the corp3 that ar maid and engendrit,
 be thir naturis be participant of the nature of thair
 governouris and makaris, and of the partis that thai ar
 maid of. For the hevynnis, be thair instrumentis sub- 30
 ordinatis, sendis thair constellacionis and influencis in
 the materis that thir erdly thingis ar compound of, and
 makis the saymn kynde of qualitee that is in thame into
 the next be thame engendrit be vertu of the four first
 qualiteis, that is, hate and calde, moyst and dry, the 35
 quhilkis four qualiteis makis all the defference and

diversitee of all erdly complexioun of creaturis. And
 thus may 3e tak manifest knowlage of the hevynly
 governaunce anent all erdly creaturis; for men seis oft
 tymes that syndry citeis had had grete lufe togeder,
 5 nocht for na gude dede na gude caus that ever ane
 of thame did till othir, bot anerly of lufe naturale; and Fol. 23.
 rycht sa sall men fynd twa othir citeis the quhilkis sen
 thair first fundacioun has ever hatit the tane the tothir,
 but ony caus that ever was maid betuix thame. Allsua
 10 of twa personis, as men may daily se, that never ane
 saw ane othir before, na never did a gude dede ane
 till ane othir, and 3it will thai lufe as brethir togeder.
 And rycht sa, othir twa that had never sene the tane the
 tothir na done displesaunce ane till ane othir, 3it sall
 15 never favour be betuene thair hertis at the first sicht.
 And sum lufis, and sawe never bot herd speke of ane
 othir. And in the samyn wis cummys haterent. Allsua
 lat a man se twa knychtis cum in bataill place enarmyt,
 to fecht in liss and na man kennis thame, 3it sall a
 20 mannis hert be mare enclynit to mare honour to the
 tane na to the tothir. And thairquhyne cumis this? I
 pray the redare tell me, bot anerly for the caus before
 namyt; for traist wele, nature drawis lufe be the lyke
 caus and complexioun, for like lufis lyke, and lyke
 25 drawis to like, and lyke joyis with the lyke, Quia similis
 similem sibi querit, et omne simile applaudit de suo
 simili. Allsua I pray the, tell me quhyne come the
 bataill betuix Jacob and Esau in thair moderis wame?
 that is grete mervaille how the barnis that 3it was
 30 unborne suld mak a bataill, for trewly I walde wele
 understand the resoun quhy; for as sais the philo-
 sophour, the caus cummys of the hevinly influence
 and constellacionis, as said is before. Bot as to
 goddis jugement, na man can ansuere that is in this
 35 mortall warlde, bot gif it be be ymaginacioun or
 figuris. Bot as to the philosophour, his opynioun is

maist lyke be resoun tobe suthe, that sik thing
 cummys of the planetis, and of disposicioun of the
 hevynnis, and of thair constellaciouns and influencis as
 said is. For we fynd naturaly, that all thing that takis
 nature in the world has, be his nature, to resist to his 5
 contraire, his condicioun naturale, as we se that the
 fyre has a condicioun naturale, that it resistis to the fyre
 that is his contraire. And allsua we se that the wylde
 bestis takis naturale fede and haterent ilkane to othir;
 as suppos a hund saw never a wolf before, incontynent 10
 that he se him, he is inymy mortall till him. And rycht
 sa in mony othir kynde, of bathe beste, foule and fisch,
 that incontynent that the tane se the tothir, he settis to
 sla him furthwith—the quhilk condicioun cummys to
 thame of naturall inclinacioun gevin to thame, as before 15
 said is of contrarius naturis repugnant in thame naturaly.
 And tharfore now spere I at the redare, sen naturaly thir
 unresonable bestis has sik contrarietee amang thame, gif
 that the man that has wit and resoun, knaulage and
 discrecioun, and is the maist noble creature that ever 20
 god maid in erde, gif man suld have this rebellious
 and contrarietee, ane agaynis ane othir, quhen thai ar
 of divers complexiouns? For gif thare war twa lordis in
 a grete citee, and the tane lufit justice and the tothir
 pillerye and ref, usure and symony; and thai war of 25
 divers complexiouns, the tane lufis the marchandis and
 labouraris, and the tothir rybauldis and hasardouris; the
 tane delytis him in all pes, the tothir all in were; the
 tane lufis the king of Fraunce, and the tothir the king
 of Ingland. And gif thai be in a house togeder, the 30
 tane delytis to rys tymely, the tothir to slepe lang; the
 tane to ete airly, the tothir to fast lang; the tane is a
 grete tratlar, the tothir a still herkenare; the tane lufis
 quhite wyne, the tothir rede; the tane lufis soddyn, the
 tothir rost. Be the quhilk contrarieteis of nature it is 35
 mervaiill that amang mankynde here suld be concorde,

for thare is a decretale in the lawis canoun, the quhilk
sais, that Als mony men, als mony divers willis is in
this warld, And tharfore is it said that in Rome mycht
never be wele twa kingis; for grete mervail war that
5 ony fremmyt men mycht thole twa kingis, ilkan apon
othir, quhen the twa propre brethir that lay bathe in a
wambe, bathe Remy and Romelus, mycht nocht accord
togeder, bot the tane slew the tothir. Bot this nocht
gaynstandand, I say nocht na God, quhen he will, may
10 mak pes and concorde amang all men in erde, and
ger ilkan lufe othir, Quia ipse inhabitare facit unanimes
in domo for quhen he will, he may mak all men wis and
paysible. And the clerk sais, Quod sapiens dominabitur
astris—The wys man is lord of the sternis. For it is
15 understandin that throu the naturale inclinacioun and
carnale condicioun man takis contrarius querelis be thair
complexioun. Bot be the vertu of hevinly influence of
wisdom, he takis temperaunce and gude inclynacioun.
Be the first he makis weris and discordis, and be the
20 secound he makis pes and concorde, and governis in
justice and resoun. And be that he may be lorde of
the planetis and of contrarius condicioun. Bot thare
is a decree that sais thare is bot few wis men in this
warld, bot thare is mony fulis. And als Salamon sais,
25 Stultorum infinitus est numerus. And tharfore as we
have spokyn of before in the tothir party of this buke,
mony of the weris that was in the begynnyng of the
creacioun of the foure grete realmes was movit of curage
of nature, and of complexioun of the constellaciouns of
30 the hevinly influencis, be men that war symple and
nocht witty of perpetuale thingis, na had na knaulage
of the hevin, bot did efter the provocacioun of nature,
and be the fleschly appetite quhilk was bot bestly. Thai
movit bataill and weris, pressand quha mycht be lord,
35 nocht rekkand, na comptand on quhat title of rycht, bot
on force, and sa mony sensyne has mayntenyt sik rycht

Nota.
Of fulis.

Of ald per-
session to be
kepyt be
thair pos-
teryte.

of conquest ay furth. And forthy I will nocht say bot quhilum thare is rychtwis weris amang wis men, to manetene the querelis of thair fore elderis and ancestris. And that may be be gude resoun, for quhy thai weris that was maid, and thai bataillis in the first tyme has haldin 5 kingis and princis, and lordis in thair lordschippis and realmes, quhill now thai that wate nocht quhethir thair first querele was rychtwis or nocht, for thai may have na knaulage now tharof. And tharfore suppos that thai first lordis conquest, and held the landis apoun lytill evin 10 and small title of rycht in thai tymes. Thay that cummys now efter thame has gude caus and resoun to defend, and kepe thair possessioun that is of sa lang tyme bygane prescrivit and passit prescripcioun. And tharfore sik men may levefully and lawfully mak were, gif 15 thay be invadit, and thair ancien possessiouns wrangwisly occupyit; for sik lordis and peple wate nocht ellis, bot of gude rycht. And alsua that thai and thaire forebearis has of sa lang tyme before, governyt, defendit and labourit thai landis, and put to prouffit in lufe, law 20 and leautee, that mekle resoun war that quod occupanti concedatur.

[Chapter
IV.]

Fol. 24.

HERE he declaris how force is ane of the principale foundementis of bataill, quhareapon men suld wit that syndry folk thare is, that has the body rycht lytill, 25 and 3it thai have the hert and the curage grete, and that is a grace of God. And othir is that has mekle body, and small spirit and wayke. And othir ar that has bathe the tane and the tothir. And 3it may sik men have let naturale that thai ar nocht worthy in 30 bataill place, as was Sampson the fortin, the quhilk was bathe hardy and stark of body, bot be caus thai put out his eyne, And tharfore, as to my purpos I cum, that certaynly nocht force na strenth corporale makis a man to wyn the bataill. Bot force spirituale, 35

that is to say, hardy curage, makis victory; for the
 haly writt sais, that he that is nocht in the grace of
 God sall nocht be hardy in bataill na happy; for gude
 curage makis gude ordinaunce in bataill, and takis
 5 gude counsele, and chesis men that can wele fecht,
 and ordanis gude habilliaments for weris, and takis
 placis advantageous; and dois all with avys of wys men
 of were; and standis stoutly on thair purpos in thair
 rychtwis querele. And that may be callit force, the
 10 quhilkis passis force bodily; for thare is mony ane sik,
 that a man sik may be, will do mare with gude coun-
 sale and gude devis, gude ordynance and gude under-
 taking in a felde, than ane hundreth sik othir may,
 cum thare to fechting. And thus force of the spirit
 15 is the principale foundement of bataill, bot quhare
 bathe is fundyn togeder better war. And tharfore
 force but hardy spirit is litill worthe. And gif men
 wald say, that als lytill is force of spirit, but force of
 body worth in bataill I ansuere that, ȝis. It is gude
 20 for the undertaking and the conduyte is mekle; and
 als a gude spirit, with sobirnes and pacience may our-
 cum and vencus a grete querele but ony strake of
 hand. As God, that throu the dede that he tholit, he
 vencust the fende, and wan all saulis fra hell that war
 25 his chose frendis and servandis. And he commendis
 mare force of spirit in gudelynes, na force corporale;
 and oft tymes gevis victorye till his frendis thouch thai
 be feble of corps, na till his evill willaris, suppos thai
 be starkare, that lufis nocht the honour of god, as was
 30 be example of David and Golyas, the quhilk he vencust
 vilayusly, and slewe him cruelly, with mony othir ex-
 amplis that lang war to compt and fer fra the purpos.
 Bot ȝit, is gude to knawe quhat is vertu cardynale. And
 as to that, it is to wit that vertu morale is nocht ellis bot
 35 vertu cardinale, bot vertuously to lyve in this lyfing here,
 and sett his hert apon vertu halely, and all his study

to set tharapon to ples his God or ellis he is nocht
 vertuous, na suld nocht be repute for vertuous, bot he
 contynew in vertues quhill he is here lyfand. The
 quhilkis four vertues ar callit justice, temperance,
 force and prudence, with the branchis of thame Bot 5
 quhat availlis all thir uthir thre vertues, bot gif force
 be with thame bot full small? for throu force a man
 is stark to bere all tribulaciouns and mak enterpris.
 And tharfore, and man persevere in sik vertu till his
 end, he is lufit with God, and sall have everlestand 10
 joy. And be this caus, the Cardinalis in the court
 of Rome tuke the name of cardinalis, be thir vertues
 cardinalis; for, throu thai vertues cardinalis, all this
 world is reulit and governyt. And rycht sa, be the
 cardinalis of the haly court of Rome, all gude cristin 15
 folk suld be techit, instruct and illumynyt in vertues.

[Chapter V.] **H**ERE inqueris the autour how may be kend that the
 vertu of force be in a man. He said that men sall knawe
 that the vertu of fortitude is in a man, be his enterpris
 and his undertakingis. And first that he has all his 20
 plesaunce in armys and in weris—justis, turnayis, and
 to defend rychtwis causis and querelis, and haly kirk,
 and all resonable acciouns. And alssua, that gif it
 hapnys that he se that he has undertane dede of armes,
 and he consideris the caus, and the querele that may 25
 cum in tyme tocum, for the occasioun of thai weris,
 and the mekle evill and sorowe that he seis cum of sik
 weris, and quhat scathe and damage that may cum till
 him tharof, and to manetene sik a querele as dede
 or disherisoun. Bot nocht forthy thai will nocht leve 30
 thair purpos, bot puttis bathe lyf, gudis and othir thingis
 in aventure of tynsale, na doutis nouthir tynsale of gudis,
 na of lyf, na landis, na heritage to fulfill his honour,
 thinkand that his querele was just and resonable.

HERE he speris quhethir it be mare vertu to assaille
 his inmy in bataill, or to defend and byde him in
 felde. Of the quhilk were, it is be sum men presumyt
 that it is mare vertu till assailze; as we have be example
 5 in the alde lawe, quhare the peple gafe counsale ever to
 assailze thair inmyes, and nocht to byde quhill thai
 assailit thame, that was Goddis inmyes, efter as sais
 a decrete, for thame thought than, that better war, as
 said is, till pursu and assaille na to byde quhill the
 10 inmys of God assailit thame; for men sais in the buke
 of moralitee, that it is mare vertuous thing to geve na to
 tak, and ferr mare noble condicioun. And tharfore is
 it better to assaille na to defend. And alssua it is better
 to do sum gude na to do na gude. And sen he that
 15 assailzeis his inmyes dois sum thing, and he that bydis
 dois nathing, 3it than it is better to do oucht na nocht.
 And 3it ane othir resoun, men suld understand that
 it is better to do that that has mare deficultee and
 maistry tobe done in gudelynes, bot it is mare clere,
 20 and mare vertuous thing to assaille na to abyde, and
 mare grete deficultee, and mare is touchand to the vertu
 of hardynes, and sa is it mare vertuous. And atour this,
 the thing that is of mare pris, and of mare honoure and
 les, is mare vertuous. Bot ilke man wate that a knyght
 25 is mare lovit and prisit to assailze wele, na to byde wele.
 And sa be resoun it suld be repute mare vertu, etc. Bot
 natheles agaynis this opynioun is oure autour Arestotil,
 the prince of philosophy, sayand that he that bydis his
 inmy in felde beris the mare honour of hardynes, na
 30 he that assailis. And as of this questioun, to se and
 inquere the ground of lautee, I sall say 3ow myn advys
 efter the opynioun of the foresaide wys doctour Arestotil,
 the quhilk sais that it is mare vertuous thing, and mare
 commendable till all noble man of armys to byde wele
 35 in felde, na till assailze, and mare honourable vertu and
 lovable efter the vertu of fors, that is callit in Latyn

fortitudo. For suppose a knycht wald be sa hardy and
 sa presumptuous that he wald assailze ane hundreth
 knychtis him allane, that wald nocht be repute till him
 to the vertew of nobless, bot erar to fuliche hardyness
 and presumptuousnes. And tharfore as belangand this 5
 poynt, thare is here thre thingis till understand, the tane
 is, till assailze, the tothir to flee in tyme, the thrid till
 abyde. And tharfore sum men haldis that quhilum syk
 cas may fall that it is vertu till eschape, thinkand to
 better cum to purpos efterwarde, and that we leve as 10
 this tyme. Bot as to the tothir twa opyniouns, I say as
 for me, efter the opynioun of oure doctour Arestotil, that
 to byde in felde fermly of sett purpos is mare lovable
 and mare vertuous thing, and mare to commend, na to
 assailze, and is mare grete deficultee, for it cummys of 15
 a calde sett mynde confermyt in hardyness with de-
 liberacioun, seand the perilis of dede before his eyne,
 and 3it settis honour and gude querele before dede, and
 he that assailis is full of ire inflammyt, and has na knau-
 lage of the perilis, bot dois in a breth of wodeness and 20
 ire that he is fest in, and nocht be deliberacioun of
 purposit vertu.

[Chapter
 VII.]
 Nota.

HERE speris the autour be how many thingis sall a
 man persave gif a knycht be wele hardy or nocht, in
 armes. To the quhilk he ansueris, be mony caus. And 25
 in the first, a knycht is hardy to wyn the vayne glore of
 this warld and the honoure. For quhy, he seis that all
 men dois honoure and worschip till a hardy man, and
 dishonour till a coward. And ane othir knycht salbe
 hardy for he is lathe to tyne the prouffit and the honour 30
 of his lorde and maister, or 3it to be tane prisonare and
 he war cowart and bade behynd him. Ane othir caus
 cummys of usage, that a knycht is usit in harnes of lang
 tyme, the quhilk usage makis him hardy and expert, be
 oft hanting of the were that he is wont till. And allsua 35

for drede he has that folk speke a lak of him in his lattare dayes, that never had nane before tyme. Ane othir way thare is knychtis hardy, traistand in thair gude harnes, sa that the traist that he has in his gude
 5 armouris makis him hardy, thinkand that nane may dere him, quhat perile that ever he be in, for thai ar of prove. Ane othir is hardy for his gude hors, in quham he traistis sa mekle. Ane othir is hardy for he has a gude hardy chiftane, and wele fortunyt. And ane othir is rycht hardy
 10 for verray breth of curage, byrmand full of ire of crab-bitnes of his nature. And ȝit is thare ane othir is hardy for the traist that he has in God, and that he has a clene lyf and gude, and dredis nathing bot God. And ȝit othir is thare that is hardy for ignoraunce, that misknawis
 15 the perilis and the misaventuris that oft tyme cummys in weris ; for thai ar nocht expert tharof, and has nocht sene before, and tharfore doutis it nocht. For he wate nocht quhat is the vertu of force, na of hardynes, bot dois as he seis othir do. Otheris is thare that ar hardy
 20 for covatis of warldis gude to wyn richness, and for nane othir caus. Ane othir is hardy for his gude caus and querele that he has of his gude rycht. And se that of all thir, thare is nane sa gude as he that is hardy for defens of gude rycht, and for vertu, and for gude knau-
 25 lage, the quhilk has his hert set fermly in the vertu of hardynes for lautee, and justice tobe defendit, and has his hert ferme sett to sustene all adversitee that may cum throu his verray curage of hardynes, traistand in God, and in his gude rycht to bring him through.

30 **H**ERE speris the autour, gif a man suld ches erar to dee in the place, na to flee fra the bataill, etc. And first I will preve ȝow that he suld erar ches to flee fra the bataille, to sauf him self erar na to dee. And my resoun is quhy, for be resoun naturall of philosophouris the
 35 thing suld be erez chosin, the quhilk is mare deliytable ;

[Chapter
VIII.]

Quhat per-
tenis to ane
Knycht
do in batell.

bot to lyve is mair delytable na to dee, quharfore, sen it
 is mare delytable and plesand, it suld erar be chosyn.
 The secund resoun is that the dede is the maist terrible
 thing that is, and maist bitter, and maist tobe doutit.
 Bot it war agayn all gude faith, and gude naturale resoun 5
 to ches the thing that maist is doutit and dred, maist
 terrible and maist felloun. And be that caus, a man suld
 nocht desyre to ches it than ; for chos of desyre cummys
 of plesaunce and of delectacioun. Bot oure autour,
 Arestotle, the noble philosophour, haldis the contrair of 10
 this, sayand, that for na warldly thing a man suld nocht
 desyre thing that war dishonourable, na that he mycht
 have repruf, na lak in his gude fame. And it is wele
 clere till understand that to flee of the bataill is bathe
 dishoneste and schamefull thing. And alssua oure de- 15
 creis sais it war better till a man to ches to thole all the
 evill of the warld, na to consent till evill. Bot to leve
 the bataill in a just querele may be the tynsale of all the
 felde, the caus and the querele, and be throu a knycht
 tynt ; the quhilk war to consent to mekle evill, and agayne 20
 God and justice. Alssua a man suld betuix twa gudis
 ches the best, and betuix twa evillis the leste evill. Bot
 to tak the dede with honoure, he wynnys everlestand joy
 in paradis, and to flee, he tynys his honour and lufe of
 all men, the quhilk is evill, and mony evillis may cum 25
 tharof. Quharfor better war tak dede with honour, na
 dee with schame. As to the ansuering of this questioun,
 I ansuere, that and a cristyn man war in a bataill with
 othir cristyn men agayn the uncristyn, and seand that
 throu him the bataill mycht be tynt and he fled, he suld 30
 erar ches to dee na to flee, bot se he that all be tynt
 quhethir he byde or flee, than may he sauf him self and
 suld be excusit ; for he mycht efterwart recover company,
 and do grettar gude agaynis the inmyes na the tynsale
 of him mycht do than. Bot and he se that, suppos he 35
 schape him to flee, that he may nocht gett away na

eschape, certayn he suld sett him tharfore. Bot fer better
 and mare lovable is tobe dede fechtand na fleand. And
 ane othir way, gif a knycht be amang cristin men in
 bataill with his maister, or for his awin landis and lord-
 5 schippis, I say certaynly that he suld erar ches to tak
 the aventure of dede, and byde the end, na to flee; for
 outhir, mon he be manesuarne or tyne his awin heretage
 throu his cowardis. And in the samyn cas, say I of a
 knycht that is wageour till a king or a lorde, puis quil
 10 lui a donne sa foy et son serement. Sen it is sa that he
 has maid him athe, and gevin him his faith, than suld he
 stand with him to the utterest, and tak lyf and dede, and
 presoun and othir fortune, as it may cum till hand to
 sauf his honour and his lawtee, and for defens of justice
 15 and rychtwis querele.

HERE speris the autour how suld a knycht be punyst
 that passis fra the ost but leve of the king or the Con-
 stable, to fecht with his inmyes, quhethir he wyn or he
 wyn nocht. To this questioun I ansuere that gif ane
 20 hardy knycht throu hie curage, seis his inmyes and
 his advantage, and fechtis with thame and disconfitis
 thame, I say he aw be the law of armes to tyne his hede
 tharfore; and the resoun is quhy, for be the lawis, quha
 ever dois agayne the commandement of the duk of the
 25 bataill deservis dede, suppos he have done the prouffit
 off the chiftayne, for quhy a knycht has his athe of obey-
 saunce till his souerane lord, the quhilk he has falsit in
 that cas. Alssua ane othir 3it resoun is, for thare suld
 nane evill dede be excusit be the prouffit that hapnis
 30 tocum tharof be aventure. Quharfore suppos that for-
 tune was frende, that him be fair fallin, 3it has he crabbit
 his king and his counsale, and brokin his hie hecht
 thouch him be wele hapnyt. For the parting of him and
 his company out of the ost, put all the lave in poynt of
 35 perdicion, throu his surquidry. And tharfore to geve

[Chapter
IX.]

Nota.

Fol. 26.

otheris ensample in tyme tocum, he suld be punyst.
 Bot ȝit, as to the excusacioun of this worthy knycht, we
 mon say sum thing, as thus—a grete thing wele cummyn
 to purpos, suppos it was agayne the commandement of
 the prince, ȝit for the grete utilitee of the dede as for 5
 anys, it may be excusit. Ane othir resoun is, for men
 suld behald in all thingis the will of the persone that
 dois the dede, for the law sais, *Voluntas et propositum*
distingunt maleficium, that is to say, the will and the
 purpos makis distinccioun and difference betuix gude 10
 and evill. Than sen it is sa, that in gude entent, gude
 will and gude purpos, he undertuke the said juperdye, he
 suld be excusit and nocht tyne his hede. Item, oure
 autouris philosophouris sais that in all thingis men lukis
 to the end. And quhen the end is gude of a thing, all 15
 is callit gude. Bot sa it is, that the end of the said
 knychtis dede was gude, ergo, etc. And tharfore now,
 considerand all thir stark argumentis on bathe the sydis,
 to say lelely, but fenȝeing or favour, be the lawis of princis
 and of armes, be the rygour he has tynt his hede. Bot 20
 the prince considerand the resouns before said, at the
 request of otheris knychtis and lordis, may do him sum
 favour that he be nocht all punyst be the rigour. Alssua
 it suld be considerit quhat renoun he is of, and quhat
 entent he did it apon, quhethir for curage, or for pride to 25
 wyn a los, or for covatis, or till eschewe perile apperand,
 or sik thing. And efter that, do him grace or punycioun
 efter his meritis, for merci quhilum is mare just na is
 rigoure, etc.

Explicit *tercia pars huius libri bellorum.* 30

Here endis the thrid party of the buke of bataillis.
 And here efter begynnys the ferde party etc.

[THE FOURTH PART.]

Here begynnys the table of the ferde part of this buke.

In Primis.

	Off quhat ryght or quhat evin cummys	
5	bataill	Primum capitulum
	Be quhat ryght or resoun may men move	
	were agaynis the Sarrazenis or othir	
	mistrowaris	ij ca ^m
	Gif the Emperoure suld move were agayne	
10	thame, quha suld obey till his mande-	
	ment	iiij ca ^m
	Qhethir othir princis na the Emperoure	
	may move were apon the Sarrazenis .	iiij ca ^m
	Qhethir the Emperoure may ordane were	
15	agayne the pape, or agayn the haly	
	kirk	v ca ^m
	Qhethir the pape may mak were on him .	vj ca ^m
	Quhat thingis may ger move bataill necesse	vij ca ^m
	Quhat thingis pertenis till a gude knyght	
20	to do	viiij ca ^m
	Quhat thingis pertenis to the duk of the	
	bataill	ix ca ^m
	How, and for quhat caus a knyght suld be	
	punyst	x ca ^m
25	Qhethir strenth be a vertu morale . . .	xj ca ^m
	Qhethir gif the duke of the bataill be	

tane men, suld have merci of him and save his lyf	xij ca ^m	
Gif fors be a vertu cardinale or nocht	xij ca ^m	
Quhethir presonaris that are tane in bataill, be the takaris or the lordis that payis the waxis	xiiij ca ^m	5
Quhethir the vassallis suld pas in were on thair awin cost, or on the princis costis	xv ca ^m	
Gif a barouns men suld [help] thair fōrd agayne thair king, [and] serve in his weris or nocht	xvj ca ^m	10
Gif twa barouns has were, ilkane agayn othir, quhethir suld thair men help ilkane his awin lorde, or thair king and he charge thame	xvij ca ^m	15
Quhethir I aw to defend my nychtbour in armys, and men wald sett to sla him	xviiij ca ^m	
Quhat personis ar behaldin to defend othir How the bonde is behaldin to defend his lorde	xix ca ^m	
How the sone is behaldin to defend the fader, but the leve of the justice	xx ca ^m	20
Quhethir erar is the sone behaldin defend his fader, or his natural lord maister	xxj ca ^m	
Quhethir a clerk suld erar help his fader, or his bischop, and he have were	xxij ca ^m	25
Quhethir to conquest gudis rychtwisly, men may lefully mak defensable were	xxiiij ca ^m	
Quhethir for unrychtwis conquest, men may mak were diffensable	xxv ca ^m	30
Quhethir prestis and clerkis may defend thair gudis be armes	xxvj ca ^m	
Gif armour lent and tynt in felde suld be restorit	xxvij ca ^m	
Gif armour or hors hyrit and tynt suld be restorit	xxviii ca ^m	35

- Gif a knycht be reft doand his princis
charge, quhethir has the knycht or the
prince accioun to the party . . . xxix ca^m
- Gyf a man gais to the weris unchargit, sall
5 he tak waxis xxx ca^m
- Gif a knycht servis a king unchargit in
his weris, quhethir may he laufully ask
him his waxis xxxj ca^m
- Gif the king of Spanje sendis secours to
10 the king of France in his weris, as
he has done othir tymes till him
in sik lyke cas, quhethir suld the
Spannollis ask waxis at the king of
France xxxij ca^m
- 15 Gif a man gais to were for vayn glore,
quhethir he may be law of armes ask
waxis or nocht xxxiij ca^m
- Gif a capitane doand his lordis bidding
tyne his gudis, gif his lord aw to re-
store him agayne xxxiiij ca^m
- 20 Gif a man gais to the were for covatis to
pele and rub gudis, quhethir he may
ask wage or noucht xxxv ca^m
- Gif a clerk may levefully pas to the weris
25 or nocht xxxvj ca^m
- [If soldiers whose services are engaged but
are afterwards dispensed with before
employment may claim a year's wages xxxvi^a ca^m]
- In quhat termes the wage aw tobe payit
30 to men xxxvij ca^m
- Gif a wageour gais to play and disport
him with leve for a tyme, gif he suld
be payit of that tyme xxxviii ca^m
- Gif a knycht has tane waxis of a king
35 for a 3ere, and he wald within thre
monethis pas his way till ane othir

prince, quhethir gif he suld be payit for the tyme that he had servit . . .	xxxix ca ^m
Gif a sowdioure be payit of a prince for a zere, gif he may put ane othir in his stede, or nocht	xl ca ^m 5
Quhethir gif a capitane may send of his folk away that he has anys moustrit in felde . . .	xlj ca ^m
Gif a man of armes hapnis seke in the weris, quhethir he may ask his wagis for all the tyme that he is seke, or nocht . . .	xljij ca ^m 10
How gudis suld be departit in the weris that ar wonnyn in tyme of the weris . . .	xliij ca ^m
Gif a man may rychtwisly hald that he has tane fra a revare that set to reve him be the way	xliiij ca ^m 15
Gif twa citeis makis were, ilkane on othir, quhethir thai may lefully mak were, thai clamand to hald of na soverayne . . .	xliv ca ^m
Quhethir a man may sla his presonare, efter that he be tane and zeldit at his awin will	xlvj ca ^m 20
Gif a man may ask ransoun of gold and silver at his presonare be law or armes . . .	xlviij ca ^m
Quhethir, for the weris that is betuix the kingis of Ingland and of France, the Fraunchmen may levefully tak the pure mennis gudis, and mak achet of, and mak presonaris thair persouns . . .	25 xlviiij ca ^m
Quhethir a king may lefully, be cautele and subtiltee, ourset or disconfyte ane othir king	30 xlix ca ^m
Quhethir bataill may lefully be on haly day . . .	xlx ca ^m
Quhethir gif a man wrangis ane othir, he may lefully recover apoun him be were his thing, gif he may reclame him in jugement	35 li ca ^m

	Gif a knyght deis in bataill in his princis querele, quhethir his saule be sauf or nocht	lij ca ^m
	Quhethir rychtwis men or synnaris ar 5 starkare in bataill	liij ca ^m
	Quhy is thare samekle were in this world ? Gif a presonare be suorne to hald presoun, and his takare put him atour his ath in stark presoun or festnyng, gif it 10 be lefull to him to escape and brek presoun	liiij ca ^m lv ca ^m
	Gif a man be presonare till ane othir, and he put him in a stark clos toure, in sekir festenyng, quhethir he be haldin 15 to brek presoun and eschape	lvj ca ^m
	Gif a man has sauf condyt to cum seurely, nocht spekand of his way passing, quhethir he may be haldyn presonare in his passing	lvij ca ^m
20	Gyf a man that has sauf conduct may bring on his sauf conduct gretar man na him self is	lviiij ca ^m
	Gif a man be tane presonare apon ane otheris sauf condyt, quhethir he that 25 aw the sauf condyt suld outred him of presoun on his awin cost	lix ca ^m
	Gif a man suld enter agayn in prisoun and he war rycht dredand for tobe put to dede	lx ca ^m
30	Gif a prince may lefully refus ane othir prince, to pas his voyage throu his contre but scathe	lxj ca ^m
	Quhethir kirk men suld pay tailles, tributis and imposiciouns to seclere kingis or 35 princis	lxij ca ^m
	Gif the kirk may mak were agayne the Jowis	lxiiij ca ^m

Gif a man may ficht for his wyf in armes .	lxiiiij ca ^m	
How the ta brothir may defend the tothir in armys	lxv ca ^m	
Gif a baroun be vassall to twa lordis that makis weris in syndry contreis, to quhilk of thame sall he mak service till	lxvj ca ^m	5
And gif a baroun be vassall to twa lordis the quhilkis makis were ilkane apon othir, quham to sall he mak service	lxvij ca ^m	10
Quhethir bondis suld be constreynit to the weris	lxviiij ca ^m	
Quhilk folk may nocht be strenzeit to mak weris, suppos thai be chargit . . .	lxix ca ^m	
Gif a man be hurt sarely be ane othir, and he hurt him agayne, gif he salbe punyst	lxx ca ^m	15
Gif a man bonde makis slauchter be the bidding of his lord, suld he be punyst	lxxj ca ^m	
Quhethir a bonde may defend him agayne his lord, and he war sett to sla him	lxxij ca ^m	20
Gif a monk may defend him fra his abbot, and he wald sett to sla him . . .	lxxiiij ca ^m	
Gif the sone may lefully defend him agayn his fader, and he wald sla him . . .	lxxiiiij ca ^m	25
Gif a man may lefully defend him agayn his awin juge, or noucht	lxxv ca ^m	
Gyf a man be banyst a realme and happin to cum in agayne be ony cas, gif men wald set on him to tak him, quhethir he aucht to defend him	lxxvj ca ^m	30
Gif a preste be assailit with his inmyes berand goddis sacrit body on him, quhethir he aw to lay doune Goddis body and defend him, or nocht .	lxxvij ca ^m	35

- Gif a man may for mark be prisonare that
 maid never caus bot for otheris . . . lxxviiij ca^m
- How and in quhat maner mark suld be
 tholit or gevin be the prince . . . lxxix ca^m
- 5 How suld mark be gevin aganis a citee
 that allegis to na soverayne? . . . lxxx ca^m
- Gif all lordis may graunt markis . . . lxxxj ca^m
- How or be quhat resoun may it be steynd
 that the king of France be nocht
 10 subject to the empire . . . lxxxij ca^m
- Qhethir gif the king of Ingland be sub-
 ject ony way to the empire . . . lxxxiiij ca^m
- Gif a burges haldand change and hous at
 Paris be tane and robbit be the way
 15 cummand to Paris wart, quethir he is
 tobe gevin power of mark to for the
 gude recovering . . . lxxxiiij ca^m
- Qhethir a scolare at the study in Paris, of
 Ingland borne, aw tobe presonare . . . lxxxv ca^m
- 20 Qhethir a servand suld joys the previlege
 that his maister has lang joisit . . . lxxxvj ca^m
- Gyf ane Inglis man cummys to Paris to
 visyte his sone at the scule beand seke,
 quethir he aw tobe presonare or
 25 nocht . . . lxxxvij ca^m
- Gif ane Inglisman cummys to Paris to
 visyte his brother seke at the scule,
 quethir he aw tobe presonare or
 nocht . . . lxxxviiij ca^m
- 30 Qhethir a studyand may lefully be
 haldin in prisoun for ony mark . . . lxxxix ca^m
- Qhethir a wode man may be haldin
 prisoner and ransound in the weris . . . lxxxx ca^m
- Qhethir a wode man, efter that he be
 35 cumyn again to his wit, may be
 haldyn presonare . . . lxxxj ca^m

Quhethir a passand alde ancien man be law of armes may be haldin prisoner	lxxxxij ca ^m	
Quhethir a childe may lefully be tane and haldin presonare be the lawe of armes	lxxxxiij ca ^m	5
Quhethir a blynd man be law of armes may be tane and haldin prisonere	lxxxxiiij ca ^m	
Quhethir ambassadouris or legatis cum- mand to the king may lede his inymyes throu his realme with thame or nocht	lxxxv ca ^m	10
Quhethir a bischop may be tane preso- nare be a fraunchman, the Bischop of Ingland beand	lxxxvj ca ^m	
Quhethir a kirk man may be tane for mark	lxxxvij ca ^m	15
Quhethir gif pilleryns may be maid prisoneris be ony maner of weris of armes	lxxxviiij ca ^m	
Quhat thingis in tyme of were has sauf condyt be privilege unaskit at the princis	iiij ^{xx} & xix ca ^m	20
Quhethir in tyme of were the as and the ox suld bathe jois a maner of privilege .	c ca ^m	
Quhethir gif the varlet aw to joys the privi- lege of the husband man	cj ca ^m	25
Quhethir in tyme of weris folk may ledder castellis and wallit townis lefully . .	cij ca ^m	
How suld be punyst folk that brekis the princis sauf condyt, or his assureancis	ciiij ca ^m	30
Quhethir a grete lord suld traist in a sauf condyt, or ony othir lawar persoun .	ciiij ca ^m	
Quhethir gif a cristin king, prince or Em- perour may geve a sauf condyt till ane othir king, prince or Emperour Sarrazene	cv ca ^m	35

	Gif twa lordis has maid trewis togidder	
	suorne, quhethir gif the tane brek	
	trewis, gif the tothir suld rycht sa brek	cvj ca ^m
	Quhethir better be to fecht fastand before	
5	mete, or efter mete quhen men has	
	dronkin	cvij ca ^m
	Quhethir bataill may be set before ladyes .	cvij ca ^m
	Quhethir the quene Jonat of Naplis mycht	
	lefully assailȝe the king Lowis de Cicile	cix ca ^m
10	Here previs the autour playnly how gage of	
	bataill is reprovit be all maner of lawis	cx ca ^m
	Here he puttis the case in the quhilk it is	
	lefull to geve gage of bataill	cxj ca ^m
	And ȝit he puttis ane othir cas in the quhilk	
15	law of armes will thole gage of bataill .	cxij ca ^m
	And ȝit ane othir cas eftir the lawis of	
	Lumbardy	cxij ca ^m
	And ȝit ane othir cas eftir the law of	
	Lumbardy	cxiiij ca ^m
20	And ȝit ane othir cas eftir the law of	
	Lumbardy	cxv ca ^m
	And ȝit ane othir, eftir the law of Lumbardy	cxvj ca ^m
	And ȝit ane othir, eftir the law of Lombardy	cxvij ca ^m
	And ȝit ane othir, eftir the lawis of Lombardy	cxviiij ca ^m
25	And ȝit ane othir cas eftir the lawis of	
	Lumbardy	cxix ca ^m
	And ȝit ane othir cas eftir the law of	
	Lumbardy	cxx ca ^m
	And ȝit ane othir cas eftir the law of	
30	Lumbardy	cxxj ca ^m
	And ȝit ane othir cas eftir the law of	
	Lumbardy	cxxij ca ^m
	And ȝit ane othir cas eftir the law of	
	Lumbardy	cxxiiij ca ^m
35	And ȝit ane othir cas efter the said lawis	
	of [Lumbardy]	cxxiiij ca ^m

	And ȝit ane othir cas efter the law of Lumbardy	cxxv ca ^m	
Fol. 29.	And ȝit ane othir cas efter the law of Lumbardy	cxxvj ca ^m	
	And ȝit ane othir cas efter the said lawis .	cxxvij ca ^m	5
	How oft tymes the bataill in listis is nocht done be the principale persounis bot be otheris	cxxviiij ca ^m	
	The forme and maner of thair aithis that suld fecht in barrieris of clos listis in felde	cxxix ca ^m	10
	Gif a man passit age may put quham him list to campioun to ficht in barreris for him	cxix ca ^m	
	Gif ane of the campiouns brekis his suerd, quhether ane othir suld be gevin him agayne	cxixj ca ^m	15
	Gif the lord may nocht know the first day quha has the lyklyar, gif thai suld cum again on the morne and enter in felde as before	cxixij ca ^m	20
	Quhilk of the twa campiouns suld first stryke		
	Gif the vencust man suld pay the costis thouch the king remytt his accioun .	cxixiiij ca ^m	25
	Gif a man has bene vencust of ony crime in barreris gif he may be accusit in jugement tharof	cxixiiij ca ^m	
	Quhethir gif the campiouns may fecht in playne felde, but barreris, gif thai lykis	cxixv ca ^m	30
	How he suld be punyst that has grantit his crime, and vencust in barreris opinly	cxixvj ca ^m	
	Gif a knycht appellis ane othir, quhether gif thai may leve of, and forthink the appele	cxixvij ca ^m	35

- Here he spekis of armes and baneris in
 generale cxxxviiij ca^m
- Here he spekis of armes and baneris in
 specialitee cxxxix ca^m
- 5 Gif a man may [tak] otheris armes at his
 lyking cxi ca^m
- Gif ane Allemain fyndis a Fraunchman
 berand the samyn armes that he beris
 in felde, quhethir gif he may appele
 10 him of bataill cxlj ca^m
- How suld be punyst folk that beris othir
 mennis armes but leve, to do thame
 ony lak cxliij ca^m
- Here spekis he of colouris in armes,
 15 quhilkis ar the maist noble, and of
 thair divisious cxliij ca^m
- And first he spekis of the colour that is rede
 cxliiij ca^m
- And syne he spekis of asure, that is the
 blewe coloure cxlv ca^m
- 20 And syne he spekis of the quhite colouris .
 cxlvj ca^m
- And syne he spekis of the colour that is
 blak cxlvij ca^m
- And syne he spekis of the condicioun and
 nature of the ordinance of the closing
 25 of the barreris cxlviiij ca^m
- And 3it spekis he of the condicioun of clos
 felde, ordanyt for fechtig in barreris,
 as said is cxlix ca^m
- And 3it ane othir thrid reule, of the con-
 dicioun and nature of clos barreris cli ca^m
- 30 And 3it spekis he of the ferde condicioun
 and nature of the clos felde that is
 callit barreris clij ca^m
- And 3it the fyft doctryne gevis he, of the
 35 forme, and maner and condicioun of
 the clos felde cliij ca^m

And ȝit the sext doctrine spekis he of the
forme, maner and condicioun of the
clos barreris cliij ca^m

Here he speris quhat condicioun suld be
in a gude Emperoure, be the nature 5
of his hie office cliij ca^m

Quhat thingis appertenis to be in a gude
prince, king or othir clv ca^m

Explicuit Rubrice istius quarti libri

Here efter folowis the chapitris of the 10
ferde buke efter the quotaciouns of the
Rubricis, etc.

Primum
capitulum.

HERE speris the Autoure of the first questioun of this
ferde buke, that is to say, of quhat rycht or of quhat
evyn cummys bataill; touchand the quhilk he sais, thare 15
is a lawe callit Goddis lawe, and tharfore mon we se
first, gif bataill be a thing reprovit be that lawe. To
the quhilk, symple folk that ar nocht letterit folk wald
say ȝa, And the caus quhy, for the bataillis and weris
dois ay evill, and be all goddis law it is forbedyn to do 20
evill, and condampnyt thing. Bot this argument is na
worth, for quhy bataill is nocht evill thing, bot gude
thing and vertuous; for resoun of nature it has nane
othir regarde, bot recouraie agayne wrang in rycht, and
ger discensioun turne in pes, as sais haly writt. And 25
suppos in bataill be done mony evillis, that cummys
nocht of rycht bataill, for suppos a man reve ane othir,
or put fyre in a kirk, or do a wrang, that cummys nocht
of rycht bataill, na were. Bot that cummys of a fals usage
of men of armes, for misgovernaunce of the weris, as men 30
sais of justice, that a juge may do wrang, bot and he us
his office rychtwisly. His office is foundit in gudelynes,
bot quhare the justice may nocht be maister, to redress

wrang and ger it cum agayne to rycht be ordre of law
ordinare, than mon grete men, throu force of bataill wele
governyt, ger it be agayn turnyt in rycht. Bot and a
juge do nocht justly lawe, quhy suld we say for that, that
5 law war an evill thing, thouch the juge us it nocht rycht-
wisly? For wrang governaunce cummys nocht of the
nature of justice. Rycht sa say we, that evill dede
cummys never of the nature of bataill, bot it cummys
of a fals custume and fals usage; for all gudis and
10 all vertues cummys of God, and of his awin com-
mandement bataill was ordanyt. And [he] gave com-
mandement till a man that was callit Jhesususanne,
sayand that he suld geve bataill till his inmyes;
and how with subtilitee of ane enbuschement, he suld
15 begyle thame and wyn his advers partye. And zit
say we that God is lord, syre and governoure of
bataillis. And tharfor mon we graunt that bataill
cummys of rycht, and of Goddis lawe, and be the
rycht of God. For the end that men desyris in bataill
20 is bot to have rycht and resoun of him that dois
wrang, and that will nocht amend his wrang, bot
throu force. And sa is the end of bataill pes. And
commonly in bataill the gude folk has evill, for evill
[sic] folk; for othir wayis may it nocht be, for as
25 suthefast resoun gevis, bataill is comperit till ane
medicinare. And we se that malady cummys nocht
in mannis body, bot for sum excess of evill humouris,
and thare, to destroye that excess of our mekle evill
humouris, the medicyne is gevin to the man that is
30 seke to put away the said excess. For othir wayis
may it nocht be mendit, or ellis dede mon folowe,
gif na remede be put. For nychtbourschip till evill
folk gerris oft tymes the gude tak scathe, as did
sum nychtbouris of Sodome and Gomorre, the quhilkis,
35 for the horrible syn aganis nature, God gert be brynt,
as witness the haly scripture, with othir thre otheris

that was nychtbouris to thame, with the quhilkis,
 mony gude folkis was punyst among the evill, as
 dois the gardinere that may nocht draw out the evill
 herbes of his gardyn, bot gif he tak sum gude with.
 Alssua men seis oft tymes that for the excess and fault 5
 of sik a man, all the lignage that he is of is destroyit.
 As we have ane example of ane callit Gezacy, the quhilk
 for a fault that he maid of symony, all his lignee was
 lepre3. And oft tyme for default of a King ane hale
 realme is oft in perdicoun, as we rede that, for the syn 10
 of Daid, thare come dede and pestilence apoun all his
 realme. And tharfore we fynd that bataill cummys of
 the law of God, for quhy we have a lawe that is callit
 lawe of folk, in latyn it is callit Jus gencium, off the
 quhilkis it is na dout bot bataill cummys be the decrete 15
 of that lawe of civile. And quha sa will wit quhat kynde
 of lawe is that lawe of folk, I ansuere the, that it is all
 thing that, be resoun naturale, suld be generaly. And
 alssua law canoun, and law civile may wele be callit lawe
 of peple or of folk; for thai declare be gude resoun the 20
 richtis of every partis; and tharapon determynis specealy
 as law and resoun gevis, and gevis thame forme and ordre
 to governe thame efter goddis lawis and mannis. And
 3it a mare stark resoun thare is; for certaynly bataill
 cummys of nature, and be the lawis of nature; for quhy, 25
 naturally all thing is enclynnyt to gaynstand thair contraire,
 and to thair evill, and thair destructioun and corrupcioun,
 and to conserve his lang lesting and enduring naturally:
 as men seis, naturally ilke wilde beste and tame defend
 the self, and do evill agayn evill. And thus is it wele 30
 esy to knawe that bataill is a thing lefull and resonable
 to be done, as generale knaulage may be understandin.
 And as langand in speciale we sall speke mare furtherly.

Capitulum
 ij.

HERE folowis be quhat lawe or resoun may men move
 were aganis the Sarrazenis; apoun the quhilk I will mak 35

here a questioun. That is for to say, be quhat rycht or quhat lawe may men move were aganis the Sarazenis or othir mistrowand folk, and gif the Pape aw to geve pardoune to thame that makis weris apon thame. And first
 5 I will preve that it may nocht be be lawe. And my resoun is, for quhy, that all the gudis that ar in to this erde God maid for mannis persoun, but drenis, alswele for the gude persoun as the evill, for God gevis na charge na vertu mare to the sonne and the planetis to
 10 schyne better apon a cristyn mannis corne na apon a Sarrazenis, bot gerris thame schyne evynly, bathe apon the tane and apon the tothir, bathe evill and gude, and gerris cum to thame als gude wynis, als gude cornis, and als gude fruyte in all kynde of maneris in erde, and
 15 quhilum better, and gevis thame alssua wit and science, naturall resoun and justice, and gevis thame realmes and regiounis, ducheryis and erldomys and empires, thair faith and testament, the quhilkis sen God gevis it but defference and excepcioun, quhy suld man tak it fra
 20 thame sen God vouchis it sauf on thame. And jit mare stark resoun, as haly writt beris witnes that we suld nocht force, na constrenze na mistrowaris Sarrazenis, na othir to trowe in oure faith, na to tak the haly baptesme, bot leve thame and lat thame be in thair free will, and mak
 25 thame exhortaciounis as did Sanct Paule and othir doctouris, gif thai lykis on thair gude will to cum to the faith. And sen we may nocht than mak thame were to trowe in oure faith, trewly we may nocht mak it thame to wyn thair gudis fra thame, the quhilkis God lennis
 30 thame as till vs. And jit mare stark resoun, for and a Sarazene tak the haly baptesme, jit may he becum man to that lord that he takis the faith under, as sais Sanct Paule. And jit sais the decrete, that the cristin men
 35 malis suld be lele to thair malaris and obeisand. And gif thair maisteris makis were in armes, thai suld arme

Nota.

thame with him. Bot and he charge thame to mak were
 aganis cristin men, thai ar nocht behaldin till obey him.
 And alsua the pape him self with his awin mouth sais,
 in his decretale, that it appertenis nocht till him na thing
 of thame that ar out of the faith of Jhesu Crist, na that 5
 he suld nocht do na jugement amang thame. And thar-
 fore, sen him self beris witnes thareto, how may he than
 geve pardouns and indulgence to mak were apon thame?
 And herefore mon men wele tak tent to this debate,
 and namely, how that all bukis of haly wrytt ar be the 10
 maist part all at concorde, that in all thing that nature
 has ordanyt thare suld be a cheif, that is for to say, ane
 hede, as in all erdely lordschip, the veray sone of God,
 quhilk is soverane lord of all this erde, is oure lord and
 cheif, the quhilk name of lordschip was gevin him bathe 15
 in hevyn and erde, and next him his vicare generale the
 pape, quhilk has all power generale in erde. And 3it I
 traist that a wis man wald say that he has bathe powere
 on lele and vnlele. Bot it war herisy to say that gif him
 self had power in erde, the pape his vicare suld nocht 20
 have it in erde, rycht sa; for it is nocht a thing evill
 appertenand to resoun, that sen Crist is Lorde of all the
 erde his vicare has powere our all his lordschip in this
 erde, that is for to say, that he has power gif ony Sara-
 zene or Jow dois oucht that is agayne the law of nature, 25
 the Pape aw to correct and punys him. Bot to say that
 in all othir cas touchand the faith he suld do resoune, I
 traist that nay, he may nocht do it. And tharof gevis
 oure Lord ane example in the alde testament, quhen he
 tuke punycioun of that horrible syn, and gert synk fyve 30
 citeis of Sodome and Gomorre, and othir thre citeis
 nychbouris to thame. Bot suppos the Sarazenis and
 othir mistrowand folk hald nocht the poyntis of the
 Ewangele, the pape may nocht constreyne thame to
 trow in the ewangele, for faith sulde nocht be compellit 35
 be fors. Nevertheles the pape may geve pardouns to

Nota.

Nota.

cristyn men to help to recover the haly land agaynis the
 mistrowaris of the faith, that is the land of Jerusalem,
 the quhilk he conquest rychtwis with his awin precious Fol. 31.
 blude. And syne it was agayne conquest be the Princis
 5 of Rome, Titus and Vaspasianus. Bot in samekle as the
 Sarazenis has occupyit it efter the conquest, thai have
 occupyit it wrangwisly, and but rychtwis title. And
 tharfore the pape may geve pardouns till all cristin men
 that wald sett for the conquest of it, to put it agayne to
 10 the richt lord that boucht it with his blude. Bot as to
 mak generale were agayn the Sarrazenis, but consent of
 the pape, I traist nocht it be lefull na resonable, alset it
 war the Emperour. And the resoun is this, for all the
 grettest thingis that ar belangand the governance of
 15 bathe temporalitee and spiritualitee ar to be knawin and
 kend be the pape, quhethir thare be in thame resoun or
 nane, as all writtis beris witnes. And specially be caus
 that the haly land beyond the grete see, at Jerusalem,
 thare quhare his blude was sched, is specially his vicaris
 20 generale, for he gave the conquest tharof to Godfray de
 Balloun. And be that way, quha ever be King of Jeru-
 salem, he haldis it of the pape. And of this we have a
 clere example; for all the voyagis that ever was maid
 our the grete see, for the recovering of the said landis,
 25 was done be the papis avis and his consent, as ald storeis
 and ancien cronykis beris witnes. Nevertheles I say
 nocht na, quhen ever it lykis the Emperoure to mak were
 apoun the occupiaris of thai landis, or the king of Fraunce,
 or othir king, that the pape will hynder thame, bot for-
 30 thir at all his powere and confourt thair devocioun, sa
 that it be done with his advis and consent. For suppos
 a king that war of lytill power wald with a few menze
 passe that voyage, it war bot a lak to the lave of the
 kingis, and scathe to the pape, and to the haly faith
 35 hindering. Bot suppos the pape wald set him for to
 conquest othir realmes or contreis, in thai landis that the

unfaithfull men haldis, the pape, be law na resoun, aw
 nocht to move were aganis thame, na to declare were
 tobe maid apon thame be othir princis, bot gif thai
 realmes war othir wayis conquest be othir tymes, and
 put in the subjeioun of the kirk, or of the empire of 5
 Rome. Bot nochtwithstanding that thai realmes be nocht
 subjectes to the empire, the pape has power preceptive
 apon thame, that, under payne of forfeiture command
 tharein, thai do na gref na injuris to the cristyn folk. The
 quhilk, gif thai do, atour his commandement and inhibi- 10
 cioun, he may command the Emperour and othir princis
 to move were aganis thame, that distrublis the sonys of
 haly kirk, and geve the conquest of thai realmes and
 regiouns till his cristyn campiouns. And suppos thai
 cristin men duell in thair jurisdiction, the pape be sen- 15
 tence diffinitive may tak fra thame thair foresaid juris-
 dictioun, and geve it quhare him lest, gif thai mak ony
 molestacioun to cristyn that is in thair jurisdiction.
 And this is the opynioun of oure maisteris and doctouris.
 Bot for nocht that I have said, I will nocht that men 20
 understand be my sawis na the King of Jerusalem has
 gude rycht to recover his said realme, quhen ever he
 may be of power to recover it, for ilke man wate wele
 that Quene Johanne of Naples has veray rycht to the
 said realm, scho and hir ofspring. Quharfore I mak 25
 hertly instance to Almychty God, to send sum gracious
 persone that may have grace and poware, to reconquest
 it and bring it to the kynde airis.

Capitulum
 iij.

HERE speris the doctour quhat folk suld obey to the
 Emperouris commandement, in cas that he wald move 30
 weris. Apon the quhilk thing we sulde understand
 how the Emperour has mony syndry kynde of peple
 under his wand, off the quhilkis thare is sum that is
 in all poyntis obeysand till him, as the peple of Rome,
 be the quhilk peple of Rome is understandin all his 35

empire, sen he is Emperour of Rome, as sais the lawis.
 Bot thare is mony of thame that rebellis, and will nocht
 obey, nochtwithstanding that thay lyve be the lawis of
 the empire. And 3it, nocht than thai graunt that the
 5 Emperour is temporale lord of all the warld, 3it will
 thai nocht obeye him, in justice doyng amang thame :
 sik as ar the citeis of Lombardye with the peple of
 Rome, allsua the quhilkis, nochtwithstanding that thai
 occupy the jurisdiccoun of the empire, the Emperour,
 10 nevertheless, has be rycht lawis, has and suld have
 dominacioun and seignoury apon thame. And with
 that, thare is othir peple, that has nocht ado with the
 Emperouris lawis, and is nocht under his dominacioun ;
 as is the toun of Venys, the quhilk sais that thai ar
 15 privilegit till have all jurisdiccoun within thame self.
 Bot natheless this peple is of the peple of Rome ; for
 sen thai say that thai joys the jurisdiccoun be privilege
 of the Empire, bot the Emperour may gayn call that
 privilege quhen ever him lykis. And 3it is thare othir
 20 peple, that was wont tobe of the empire, the quhilkis be
 dominacioun ar of otheris now, as ar all the peple of
 all the provincis that the haly was wount to jois, the
 quhilkis obeyis nocht to the Emperour, but properly to
 the Pape ; as is oure awin realme of Naples, quhilk haldis
 25 of the Pape in propertee of subjection. And 3it is thare
 sindry othir realmes that obeyis nocht to the Emperoure,
 as France, Spaigne3e and Inghland, the quhilkis has be
 writt thair jurisdiccoun imperiale. Bot it is na mervail
 that the king of Fraunce be nocht subject to the
 30 empire, na to the Emperoure ; for quhy that othir
 tymes the realm of France, and the empire was all
 ane in the tyme of grete Charles, the quhilk was bathe
 king of Fraunce and Emperoure. The quhilk fredome,
 as men sais, the said Emperour in his lyf and lege
 35 poustee declaris him self that nouthir of thame is sub-
 ject till othir, and suth it is that efter Charles, thare was

Scotland,
Ireland.

fyve kingis of France Emperouris and kingis of Fraunce,
 for than was bathe bot a thing but ony divisioun. Bot
 now it is nocht sa, for now thai hald nocht, na has
 nocht ado with Emperour na Emperouris lawis. And
 allsua thare is mony ane that will nocht graunt that the 5
 Emperoure is lord of all the warld, for the traytouris
 untreuthfull sais that the grete Cane is lord of all the
 warld. And the Sarrazenis sais that the grete Soudane
 is lord of all the warld. Bot as to the purpos, quha
 suld obey to the Emperour in his weris making, and 10
 quhethir he may mak were or nocht. As to that I
 ansuere 3ow, that certaynly sen he has na temporale
 soverane he may mak weris at his awin list, and bataillis
 agayne his inmyes. Off the quhilkis I sall declare
 quha ar his inmyes. Of the quhilk spekis the law civile, 15
 that nocht anerly the Emperour may mak were, bot
 allsua the peple of Rome may move weris agayne thair
 inmyes be the lawis civile.

Nota.

Fol. 32.

Nota.

Capitulum
iiiij.

HERE makis he ane othir questioun, that is, quhethir
 othir Princis na the Emperoure may move were and 20
 bataill; to the quhilk he ansueris, sayand, that othir
 Princis may mak were and bataillis, be the lawis, for
 the taking of counsaile as langand the weris pertenis
 to the Princis, as sais the lawe civile. Bot as to the
 suthfastnes, othir lordis may nocht command bataill na 25
 weris, bot anerly Emperouris, kingis or princis, that is
 to say, generale were; for na man may mak were in
 generale, but leve, and nane may geve leve bot a prince.
 Ane othir resoun: thare may na man tak rycht na resoun
 at his awin hand, bot he that is lord and prince of the 30
 lawe leve him to do, be him self or his mynistris. Bot
 now on dayes, sik lawis ar nocht wele kept, for symple
 knychtis and baronis that ar na princis will tak opyn were
 and generale, ilkane till othir, but ony leve of prince or
 othir power hafand, the quhilk is agayne the law of armes. 35

HERE speris the autour quhethir gif the Emperour Capitulum v.
 may mak were agaynis the kirk, and quhethir his men
 or subjectis suld obey him in that kynde of were or
 nocht. And as to that me think that thai suld obey
 5 him; for quhy, the Emperour is the hiest of temporale
 Princis, and the lawis sais, Quod morte moriatur qui
 principibus obedienciam non prestat, that is to say, he
 suld thole dede that obeyis nocht till his Prince. Als
 ane othir resoun is, for the knaulage and jugement of
 10 weris is to the Emperour and othir Princis bathe apper-
 tenand, quhy than suld thair subjectes rebell thame?
 The thrid resoun is, for rycht as the pape is lord of
 the spiritualtee, sa is the Emperoure in temporaltee.
 And tharfore, as he suld have obeisaunce in spiritualtee,
 15 sa suld the Emperour in temporaltee. And ȝit is thare
 a mare stark resoun na all thir, for as witness the lawis,
 and the clerkis that thame thare in knawis, the sub-
 jectis of the Emperour suld kepe thair obedience till
 him alset he war scismattike. Bot ȝit nocht gaynstan-
 20 dand all thir resounis that ar bot full wayke, for the
 Emperour suld be procuroure to defend haly kirk. And
 to say that my procuratour, that I mak on myn awin cost
 to defend me, suld be agaynis me, it war nocht wele
 sittand that he that war ordanyt to defend me, suld be
 25 werreyour agayne me. And ȝit mare stark resoun, the
 pape is soverane to the Emperour, and the Emperour
 subject to the pape, and to say that the subject suld
 juge the maister, me think it war nocht the rycht way
 of gude governaunce. And as to that, that he is his
 30 soverane, that is but were, for he inqueris of the Em-
 perouris electioun, quhethir the Emperour and lafully
 chosyn or nocht, and gif he be, he confermys him. And
 gif he be nocht, he puttis him fra that dignitee imperiale;
 or gif he be ane unworthy persone, and unhable tharto,
 35 or gif that he dois ony thing that is agaynis the majestee
 imperiale, he degradis him. And tharfore is it na were,

na dout that, suppos the Emperoure wald rais were
 agaynis the pape or the kirk, his subjectis aw nocht
 to obey to him in that, for doutles thare suld na subject
 obey till his soverane to werrey agaynis his God, or his
 vicare, na his commandementis. And namely in the 5
 rebelloun or persecucioun of haly kirk, to do offence
 till his God, and breking of his commandementis, for
 that war a kynde of herisy, to the quhilk nane suld
 obeye, etc.

Capitulum
 vj.

HERE speris the autour quhethir the pape may mak 10
 were on the Emperour To the quhilk questioun he
 arguys first that nay, that is to say, he may nocht
 laufullly mak were apon him, for quhy, a kingis provost
 may have na mare power na has his maister. Bot the
 papis maister, Jhesu Crist, commandit never were agayne 15
 his inmyes, bot bad sanct Petir, quhen he was tane that
 he strake of Malcus ere, that he suld put agayne the
 suerd in the scalburde. And than be resoun, sanct
 Petir that is his provost, suld nocht excede his maister
 be resoun. And 3it mare. Crist said till his Apostlis— 20
 Behald, said he, the kingis and princis of the peple, how
 thai hald thame as lordis of the peple. Bot I will nocht
 that 3e do sa. Bot quha ever of 3ow be first, that he be
 lawest servitour to 3ow. And thareby schawis he that
 he wald have thaim na lordis here. And gif the pape 25
 has na lordschip here, how suld he mak were than apon
 the Emperour, or juge him, or ony jurisdiction have
 apon him. And 3it with that, the Apostle Paule biddis
 us nocht defend us, bot ourcum malice with vertu of
 pacience. And men wate wele that it is na poynt of 30
 pacience to mak were, ergo, etc. To the quhilk thingis
 it may be ansuerd that nocht gaynstandand that thir
 ressounis be apperance ar gude, 3it may thai hald na fut
 in lautee. For and the pape saw the Emperour outhir

heretike or jit scismatike, or that he occupyit wrangwisly
 the kirk gude, or ourthrew wrangwisly the legis of the
 papalitee, the quhilkis ar privilegit of him and haly kirk,
 in thir casis but drede, the Pape may discern and juge
 5 were tobe maid apon the Emperour lefully and laufully.
 And to him all gude cristyn peple ar haldyn till obey,
 and help the pape in his weris and nedis, and to socour
 at thair powere the lele subjectis of the empyre that he
 wald usurp apon, as anys befell in the tyme of gude pape
 10 Alexander the thryd in that name. The quhilk pape
 Alexander, the Emperour that was that tyme chassit in
 Fraunce. Agaynis the quhilk Emperour, the said pape
 maid process, and deprivit him of the dignitee imperialle
 be sentence diffinitive, and ordanyt and chargit agayn
 15 him the gude King of Fraunce, the quhilk King of France
 refusit nocht the were agayne the Emperour, and come
 to his honour thareapon, and restorit the pape agayn in
 his fredome. And as to the argument that sais that God
 commandit sanct Petir to stou up his suerd in his furrell,
 20 it is bot lytill worth, for God was purposit alluterly to
 thole dede for oure salvacioun, and wald nocht be
 reskewit be na help of erdly man tharfra. Bot he sais
 nocht in haly writt that he bad sanct Petir put away his
 suerd, bot bad him put it up in the scheth, the quhilkis
 25 signyfyis that he wald it war kepit for the tyme tocum :
 for as for that day, he wald nocht defend him agayn the
 dede, for and him list, he mycht have had mony a
 legioun of angelis to sauf him fra thair power. Bot he
 wald as than tak his passioun in pacience for manniss
 30 saule to redeme. And as to the lave of the argumentis,
 trewly, suppos thai be understandin be the Apostlis, thai
 ar nocht understandin agayne the privilege of sanct
 Petir, for dredeles he has power our all erdely man to
 deme and juge thame, and ar under his jurisdiccoun as
 35 verray vicare and stede haldare till our lord Jhesu Crist,

As we say
that haldis
of hym.

of all that takis saule resonable in erde and sa, to the purpos he may mak were apoun the Emperoure, or ony othir rebelloure to the Kirk, in the cas before namyt, etc.

Fol. 33.
Capitulum
vij.

HERE speris the autour quhilkis thingis ar maist 5
nedefull to the bataill and spedefull. To the quhilk
questioun he ansueris that thare is twa thingis that ar
maist nedefull to the bataill. The first is the duk of
the bataille that is callit the ledare of the bataill, that
men callis now constable, or marschall in his absence, to 10
the governaunce of the ost. The secund nedefull thing
is gude reugle, and gude ordynaunce. The quhilkis twa
thingis makis all the gudenis of the felde in bataill.
Anent the quhilkis we fynd be ancient custumes of weris
thre ordynancis of bataillis. Off quhilkis the first is 15
callit legioun, and it suld have in legioun sevin hardy
chiftaynis, with sevin thousand fut men, and sevin thou-
sand hors men and xix. Ane othir ordinance was callit
a company, the quhilk suld have twenty thousand men
of fut men, and fyve hundreth of hors men. The thrid 20
ordynaunce was callit a cinquantinere, and it suld have
fyve hundreth and lv of fut men, and lxxij of hors men.
And this set, efter ane ordynance that clerkis has in wrytt
in the alde lawis, be the ancient custumes of weris.
Natheles all sik maner of namys of ordinancis ar left 25
now on dayes, for all is callit now bataill, how ever it be.
And that is at the plesaunce of the chiftaynis, outhir con-
stable or mareschall, or othir governour of bataillis efter,
as thai have folk Bot it is spedefull till us to wit the
propertee of the foundement of the bataill. Off quhilkis 30
thare is twa, the tane is force, the tothir is armouris,
the quhilkis quhen that wantis, the bataill is lytill worth,
gif the men be outhir wayke men, or alde men, or seke
men, or our 3ong. And tharfore was it gevin be charge
to the princis and dukkis of the bataill that thai suld 35

tak the starkest men, and maist worthy in weris agaynis
 thair inmyes of the peple of Israel. And as langand the
 tothir of the foundementis, that is armouris, doutles a
 man that is outhir unarmyt, or evill armyt may nocht
 5 hald felde in bataill place, bot he suld sone be dede.
 Item, thare is in bataill thre maneris of folk, that is to
 say, hors men, fut men, and schip men. And langand to
 the fut men, all gude constable suld put his fut men
 in stark place, outhir hill, or othir strenth that war straye
 10 cummyn, and the hors men nere the fut men upon a
 playne place, and als the schip men efter the place and
 the situacioun of the toun, or, etc.

HERE folowis a questioun ; how he suld knaw quhat
 thing efferis till a gude knycht to do, and quhat thing
 15 him belangis principaly. To the quhilkis ansueris the
 doctour that till a gude knycht efferis to kepe wele his
 athe and his lautee till his maister and his maisteris
 lorde. And commonly thay suere that thai sall do all
 and syndry the thingis that thair lord commandis thame
 20 to do as to the defens of his contree efter his rychtis, and
 efter the cours of the commoun lawis, and his privilegis
 And treuly he is na gude na trew knycht that, for ony
 doubt of dede or othir fortune or aventure, levis to defend
 his lordis rychtis, or his landis, bot he is bathe traytoure
 25 and manesuorne. And next, that a knycht aw to be
 obeysaunt till quham that his lorde, prince, or maister
 ordanis to be governour of the bataill in his stede, or
 governour of the ost ; quhilk gif he dois nocht, he
 suld nocht be callit a gude knycht, bot ane orguillous,
 30 hychty, and prydy rebelloure unworthy. And as till
 ane gude knycht that is at a lordis fee or waxis, [he]
 suld sett all his study till arm him at poynt, and hors
 him, and ay be redy at bidding of his our-men to do his
 honour and charge of his lord ; quhilk, gif he gaynstandis
 35 or rebellis till, he tynis his hede, be the law of armes. For

Nota.

Capitulum
viiij.Quhat per-
tenis ane
knycht to
do.

trewly the knychtis ar nouthir ordanyt to labour cornis,
na grouve the wynis, na to kepe bestis othir na hors, till
ordane, na ȝit he suld nocht dresse nane insicht in
housis, na be na stewart, na procuratour, na advocate, or
ony othir villayn craft, quhilkis gif he dois othir wayis 5
na his ordre requeris, he aw to tyne the privilegis of
knychthede. Alssua a knycht aw nocht to by landis,
na lordschippis, nor nane wynis, croftis, na heretagis,
in the tyme that he takis ony princis or lordis wagis.
For gif he dois, all suld be achet to the lord. For 10
thare suld nouthir Knycht na gude man of were
set him for avarice, na covatis of wynnynng of gudis
endurand the tyme of the weris; na desire to be
richit quhill outhir the felde be wonnyn or tynt, and
the were endit. 15

Capitulum
ix.

HERE folowis quhat thingis efferis to the Duk of
the bataill, the quhilkis ar callit the grete Constable
or Mareschall; to the quhilkis it efferis to geve men
leve to pas in thair nedefull erandis quhare thai have
ado. For but thair leve, thare may na man of armis 20
leve the ost under the payne of dede. And he suld
charge thame to ryde be ordre and ordinaunce hald,
as is tane to counsaile for the lordis prouffit prin-
cipale, and his honoure. And als he suld wele tak
tent that out of his lordis land suld pas nouthir hors 25
na men till othir contree in arnes na werefare, but
ordinaunce. And alssua suld he send and se that
na knychtis, na men of arnes suld byde behynd in
castellis na fortressis, bot all suld pas with him, bot
thai that he ordanyt to byde for the keping. Na ȝit 30
suld he nocht send his men to fisching na foulyng.
And alssua it efferis to the constable to kepe the
keyis of the castellis and wallit townis quhare he
cummys; and to mak gude wache and warde bathe
nycht and day. And als till him it efferis to ger kepe 35

the mesuris and wechtis amang merchandis, that his men be nocht dissavit in the sellyng of lyfing to thame, and thair servandis, and thair bestis. And the puny-cioun of thame that haldis wrang mesuris and wechtis
5 efferis to the constable; to correct and punys thame eftir thair demeritis; and the quantitee of the trespass. And allsua it efferis to the constable to here all questiounis, querelis, and complayntis of his menȝe and thair anerdaris, and to do justice and resoun to
10 all partis complenȝeand; and decide all debatis, noyses, and ryotis that in the ost is movit. And ȝit mare efferis to the constable—to visyte the hurt men and seke men, and to ger purvay for thame lechis, and medicinaris. And that is expresly declarit in the lawis
15 civile. And to him als efferis at all perilous passagis, to se to the passing of the ost that nane be perist at evill portis, na passagis, na ryveris, na wayke briggis. And als that nane pas out of sicht of the ost in tyme Fol. 34. of perile to be tynt. And gif it hapnis that spedefull
20 be sene to the consale to mak castell, or fortress for sekernes, or seurtee of men or contree, it mon be wele avisit that it be nere wod and gude water, that it be nocht our hye set, na our nere the see, or in our harde dry territoire, or our myry erde, or full of gare in tyme
25 of rayn, or ȝit quhare the spate wateris of the grete mountanis may sudaynly cum till infest the ost and disloge thame. For thir ar the apyniounis and the doctrine of ane callit Vectoit, a doctour, as is rehersit in the buke of the Order of Knychthede. Als it ap-
30 pertenis to the constable to revenge the harmys done to his knychtis and his men of were, and thair injuris. Als it efferis wele till a constable to be wys and verty, and wele avisit in all his dedis; and, namely, in the governaunce of weris and bataillis, bathe speciale, and
35 generale, and that efter the contree, and the place, and the persone, the tyme, the houre, and the folk,

and be wele avisit quhat folk he takis till his counsaile, and quhat folk he may best help him with, as that day. For in sik place may be that folk on fut is better na hors efter the consideracioun of the constable and his counsale, the quhilk, in the law civile, 5 is callit the Duk of bataill; and in the bible alssua. The quhilk suld do justice till all men that ar playntis of his men as to merchandis and vitalaris of the ost and othis, quhilk gif he dois nocht he brekis his company. 10

Nota.

Capitulum
x.

HERE he speris quhy and for quhat caus knychtis suld be punyst. To the quhilk is said, that for stryking of the provost of the ost, quhilk is callit the provost of the mareschaulis in France, and in Scotland the constable depute, the quhilkis quha ever strykis 15 with wappin or othir villaynis manje, be the law of armes he tynis the hede that dois it. And rycht sa, he that rebellis to the prince, or to him that is his constable, or mareschale, or othir depute to governe the ost, suld, be the law of armes, tyne the hede. 20 Alssua quha ever takis first the flicht, to flee fra the bataill, the chiftane bydand in felde, suld tyne his hede. And alssua, quhen ony is send in message to the inmyes, and he discover the secretis of the ost to the inmyes, aw to tyne his hede; or the secretis 25 of his lord outhir. Alssua he that strykis his falow but caus resonable, aw to tyne his hede. Alssua quha ever slais him self aw to tyne his hede. Alssua he that defendis nocht his capitane, in his default suld tyne his hede. Alssua he that brekis ordinaunce of 30 bataill atour his inhibicioun of the prince or his constable or lieveteris, suppos he pas to do sum pugny of were that be prouffitable to his lorde, that savis him nocht, as oft dois hautane proud-hartit men to wyn los in armes, mare for pride na for prow; the 35

quhilk is rycht evill done, to leve thair bataill. Quhilkis for na gude thai mycht do thare suld be savit, bot thai suld tyne thair hede. Alssua quhat ever knycht that lettis pes to be maid betuix the lordis aw
 5 to tyne the hede. Alssua he that procuris, or artis, or nurisis discordis, rumouris, or mortall fedis and stanchis it nocht gif he may do, suld tyne the hede. And jit mare quhat knycht or capitane that takis wagis of a lord and levis him or he have maid service detfully
 10 tharfore, he suld be jugit to be distrussit of hors and gere and pas away on fut as a fut grome. Alssua, gif a knycht or capitane makis a grete bargane in the ost quhilk be perilous for the divisoun of the ost, and grete slauchter off bathe the sydis, [he] suld tyne his
 15 hede, gif it be in his defalt fundyn. And he that departis fra the ost in the tyme of semble, that is feid and wrytyn, suld be condampnyt till evermare gang on fut fra thyne furth, na never be tholit to ryde on hors efterwart, bot ever on fut, bot gif the lord for con-
 20 sideracioun of alde gude done service, do him ony grace for caus resonable that he may allege for him. For and a knycht or othir capitane be put to jugement of dede, for ony of thir forenamyt causis, all his gudis ar forfet and confiskit to the principale lord of the
 25 weris.

HERE speris the doctour quhethir gif strenth be a vertu morale. And first he provis that it is nocht a vertu morale. For quhy? Strenth is a disposicioun of mannys body, bot it is clere till all mennys understand-
 30 ing, that all vertu morale or cardinale pertenis to the saule behove, etc. And jit mare stark resoun : for the vertues of the body ar all subjectis to the vertu of the saule, as is a thing of less valour. And jit mare stark resoun ; for all vertu morale is ane understanding of
 35 mesure of mannys condiciounis, and of his werkis,

Capitulum
xj.

outhir actives or passives. Bot the forteress corporale
 be him self, has nouthir condicioun, na propertee of
 that thing; quharfore it may nocht be vertu morale.
 And in this mater men mon wele consider quhat thingis
 ar the extremitis of force, and of strenth. For I hald 5
 that as for myn opynioun, that fulehardynesse is the
 tane, and reddour is the tothir. Than pray I 3ow to
 behald in 3our mynde, with 3our hertis eyne, gif har-
 dynes or reddour be ony thing pertenant to the force
 corporale of the body, that is to say, gif hardynes, or 10
 cowardis cum of a stark or strenthy corps, the quhilk is
 clere till understand that it cummys nocht tharof, bot it
 cummys of the hert, and of the mynde of the man that
 is set outhir for honour and vertu, or for nouthir. And
 thus behovis us graunt that forteress of the body, that is 15
 to say, strenth bodily, is nocht vertu morale, bot anerly
 the force of the spirit. Nocht than the strenth of the
 body is ane of the first foundementis of bataill. And
 syne next that, armouris; for thai twa thingis ar bathe
 nedefull and spedefull to geve bataill, for bathe ar 20
 nedefull to bataill. And quha will wele understand
 the thingis before said, thare is alwayis—in everilk
 extremitie thare is vice and na vertu. For quhy, in
 oure grete hardiness thare is ay surquidye, and pride,
 and excess; and in raddour thare cummys fayntnes, 25
 and failling of hert, and causles dout and drede, that
 makis oft tymes mekle scathe. For oft tymes men
 doutis, quhare na dout is, na caus of drede; for gif
 thare war a capitane in a forteress with fyfty men of
 armes, and othir fyfty come to assege thame, and for 30
 drede of thai fyfty without, the fyfty that was within left
 the place and fled. And alssua it is surquidy, gif a
 capitane, with L. men of armes, wald assailge thre
 hundreth als gude; that war fule hardynes, and na
 vertu morale. Bot than is vertu morale in the mydlyn 35
 way that is callit force of strenth, the quhilk is till

assaile, or to defend ryply and sadly, with gude Fol. 35-
 deliberacioun, and gude avisement, vertuously: and
 that is callit hardynes, vertu, that men callis vertu
 morall, quhilk is to the purpos. And alssua the vertu
 5 of force is als wele in fleand as in folowand or bydand.
 For he that is vertuous in the vertu of that force, is ay
 temperit that he excedis nocht, bot knawis his tyme,
 bathe to assaile or byde, flee or folowe; and that is
 vertu morall.

10 **H**ERE speris the doctour gif force be vertu cardinale. Capitulum
xij.
 Of the quhilk he sais, first, that it is nocht vertu
 cardinale. And the resoun is this; for as the dure
 turnis about apon the herre, and is sustenynt be the
 crukis, and vyris and revyris, and haldis it nevertheles
 15 in his rycht reule, that is, pas nocht his mesure; sa
 kepis the vertu cardinale the activitee, or passibilitee
 of mannis governaunce in his lyf, and ledis him the
 hye way of vertu and veritee. Bot nowcht every man
 that is vertuous in the vertu of force settis thame nocht
 20 to pursu bataill; na ȝit nocht all men that pursewis
 bataill is nocht cled with that vertu of force, na ȝit is
 nocht all forsy of pursuyng or defending of dede of
 armes is nocht vertu cardinale. Bot ȝit nocht gayn-
 standand all thir argumentis, force that men callis
 25 strenth of curage, is vertu cardynale, for sa is it haldin
 in science naturale of philosophy morall, be all oure
 maisteris and doctouris; as sais Seneca, the quhilk
 maid a speciale trefy in a buke of all the four vertues
 cardynalis. And alssua, Tullius sais that ilk, in a buke
 30 that he maid callit Retorik, the quhilkis all haldis that
 suppos a man, or suppos every hardy spiritit man
 pursu nocht alwayis to bataill; for that, it folowis
 nocht na thai have in thair curage the vertu of force,
 that is strenth of curage. And rycht sa, suppos a
 35 knyght have bene at the weris lang tyme honourably

unreprovit, and syne cum till his hame, and duell thare
 x or xij 3eris, and rest him, forthy it folowis nocht na
 the vertu of force, that is strenth of spirit, is alswele in
 his curage than as before. And treuly war nocht
 strenth and force of curage in a man, the lave of his 5
 vertues war of litil valour, for ellis mycht he nocht
 persevere in othir vertues. And alsa ane othir resoun
 is, for thare is na vertu sa proffitable for manniss saule
 as the vertues cardinalis, for thai ar lordis and princis,
 ledaris and governouris, and reule of all vertues and 10
 gude thewis as kingis, pape, or princis.

Capitulum
 xiiij.

HERE speris the doctour, gif the duk of the bataill
 be tane, quhethir gif [any] suld save him, have merci
 of him, and ransoun him. And as to that poynt he
 argewis, first, that nay, it suld nocht be; and the caus 15
 be resoun he schawis, sayand that we se naturally all
 cheif contrair destroyis his contrair quhen he has of it
 the maistry, as fyre and water, calde and hate; never
 mare has ane pitee na merci of ane othir, quhill ane be
 consumyt. Rycht sa the hund and the wolf, the cat 20
 and the mous. Forthy him thinkis that rycht sa the
 man erar suld destroy his inymy mortall, sen he has
 knaulage and resoun. Alssua sais the law civile, that
 fra a man be tane in bataille, he is bonde and slave;
 that man that takis him may do with him at his will. 25

Nota of a
 prisoner.

Bot law canoun is in the contrair of this resoun, sayand
 that, incontynent, that man is 3eldin prisoner, and in
 prisoun, or in the handis of his maister 3eldit, and the
 word said, merci is aucht him be resoun. For war it
 nocht his will to save in tyme, he had nocht tane fayth 30
 of him. And the law canoun sais, Sen it plesit him
 anys, it suld nocht disples him efterwart, but new caus,
 Quia quod semel placuit, amplius displicere non debet.
 And thus he dois him wrang, and he sla him efter that
 he be 3eldit. And 3it ane othir mare stark resoun is 35

for the decreis sais that gif a man vencus ane othir, he
 suld forgeve him as he wald be forgevin. And than
 wrangis he him to sla him efter. And alssua, bathe
 the law of God, and man, and theology sais that gif
 5 the duk of the bataill be tane, he suld have merci and
 grace, bot gif it war sa that men war seker be him to Nota.
 have mare stark were, nabut him. And be this caus,
 the gude King Charles of Naples gert put to dede a
 chiftane callit Corradin, and gert strike of his hede, be
 10 caus he wist wele, and he had scapit, he wald nocht
 have cessit to mak him starkare were than before.
 And that he gert do be law of armes, and sentence in
 judgement. For all the counsale said halely, that als
 lang as he lyvit the were suld never end; na never suld
 15 be gude pes in the realme of Naples. For certaynly,
 fra a man be tane, he that takis him may, be the law
 civile, do as him lykis with him.

HERE speris the doctour gif that a man be tane Capitulum
xiv.
 prisonare, quhethir suld he hald prisoun with him that
 20 takis him, or with the lord that payis him wage, that is
 to say, gif he war a grete prisonare, as a chef of weris.
 To the quhilk questioun he argewis thus, sayand as
 before that fra a prisounare be tane, the takare may
 do with him quhat ever him lykis, be the law civile.
 25 And sa, be that resoun, the takare that is sowdioure,
 sulde kepe him prisonare. The quhilk resoun nocht
 gaynstandand, it is haldin be the lawis of armes, and
 the custumes of the weris, that the lord that payis the
 waxis, suld have all the grete prisonaris at his dis-
 30 posicioun. As be the decreis, sayand that, sen thai
 ar at his waxis and costis, all suld be at his will—
 prisonaris and pillagis, to part at his will, quhare him
 best thinkis worthy. And suppos ony wald say the
 contrair, thai may nocht sustene it be na lawis wrytyn.
 35 For gif it mycht be sa that a gude prisonare sulde be

the takaris, he suld than have als wele a gude castell, or gude wallit toun, or lordschip that he mycht per cas wyn; and rycht sa ane othir chiftane, and sa war the lordis wyynyng rycht small at the last, gif ilkane suld have all that he wyynnys. Quharfore, the law has ordanyt that the lord that payis the wagis suld have the conquestis halely at his will, and disposicioun, to geve and depart at his list. For it that he wyynnys he wyynnys with his awin force, na throu his awin prudence, na wit, na costis.

10

Capitulum
xv.

HERE speris the doctour quhethir the vassallis suld pas to the weris on thair awin cost, or on thair lordis cost. And to ansuere to this poynt, we mon first wit how mony poyntis contenis the ath of feautee; the quhilke, efter the decreis, contenis sex poyntis, be bathe civile and canoun law. Of the quhilkis sex poyntis, the first is—that he sall never be quhare scathe is done to his lordis persone. The secund poynt: that he sall never be at scathe of his secretis, na his commandementis, of the quhilkis his lord haldis him seure. The thrid: that he sall nocht be at his scathe of his justice, na of othir thing that pertenis till his honoure, na his honestee. The ferde: he sueris that, gif thare be ony thing that his lord has ado, that ethe and lichtly may be done, he sall nocht hynder it, na ger it be lettis, or to be done with gretter cost or deficultee. The fyft: that he sall nocht be at his scathe of his moble gudis, na heritagis. The sext is, that he sall nocht mak of possible thing impossible; that is to say, that gif thare be ony thing pertenant till his lord that may be possible to be done, he sall nocht trait it to be impossible till him at his powar. Than thus the vassall sueris that he sall nocht mak it that is eith, and esy to be done, he sall nocht mak it to be done with mare difficultee, or to mak it impossible to be done; bot to

Fol. 36.

35

mak were, but his vassallis, or but thair help, it is bathe
 with gretare deficultee, and to do it sa wele as with
 thame it is impossible to thair lord. And tharfore, and
 he mak nocht were with his lord, he is manesuorne,
 5 for his lord, but men, is bot a persone. Alssua, God
 sais in his Ewangele that he that is nocht with him
 is agaynis him; and he that gaderis nocht with him
 scaylis. And thus, gif the vassallis be nocht with thair
 lord, thai ar agaynis him, and scailis his gudis. Alssua,
 10 gif the vassall will nocht ga with his lord but his wagis,
 quhat is his lorde, than, mare behaldin till him na till
 ane othir sowdioure? And as to that, as men may
 argu, suppos a vassall suld pas with his lorde, on his
 awin cost; suppos the caus be rychtwis, 3it gude faith
 15 wald that he had sum knaulage of sonde of wage, but
 gif it war, be the custume of the contreis, that the vas-
 sallis war sa custumyt, or oblist be certayn condicionis
 or acordancis of othir tymes, and this is the opynioun
 of oure doctouris. And this is the resoun for quhy,
 20 quhethir that it be pes or were, the lordis takis thair
 rentis and fermes of thair men and thair tenandis.
 And than suld he lyve apon thai rentis, and defend
 his landis and possessionis, and pay his wageouris with
 his malis and rentis. Bot 3it will we nocht say, na gif
 25 the king had nede to have help to defend his realme
 for the common prouffit of the contree, and the de-
 fence of his placis, and his persone, na all men suld
 help him, gif he had nede, and had nocht sufficiandly
 to mak were with. Bot suppos the king wald sett him Nota.
 30 to mak were apon a lord of his awin contree, quhethir
 it war rycht or wrang his men suld nocht be behaldin
 to help him on thaire awin cost. For defence of the
 kingis persoun, and his landis, and placis, and of the
 commoun prouffit of the realme is fer mare privilegit
 35 na is ony rychtwis querele of pursuyng, or were mak-
 ing till his awin legis. Bot natheles, gif it hapnyt that

him behovit tak help of his legis, he sulde kepe him wele that he tuke that help sa curtaily that it war nouthir disherisoun, na herischip to thame, na for to rich him self, na to lay in tresour. For gif he wald sa do, he wald be condampnyt be the grete Juge, the 5 quhilk is Juge to kingis. And tharfore gif he will be Goddis frende, and lufe wele his awin saule, he suld lyve on his awin rentis, and mak tharof his costis on his weris. And gif thare be ony of his counsale that gevis him counsale to mak weris, and to put up taillies 10 and tyrranyes apon his legis, he suld nocht here him, bot hald him as ane unworthy and fals counsailloure, and for his inymy mortall, for he wald ger him tyne the hertis of his peple, and slake fra him the grete lufe that his folk has to thair king. And this is the doc- 15 tryne that the noble philosophour Arestotil gave to King Alexander the Grete in the buke that men callis the Secrete of Secretis. And be caus, in sum othir party of this buke, I think to speke mare of this mater, tharfore I pas mare lightly at this tyme. 20

Nota.

Capitulum
xvj.

HERE speris the doctour quhethir ony lordis men ar behaldyn to help thair lorde agayne thair king; as gif the King of Spayn3e wald mak were agaynis a baroun of his realme that is his subject and haldis his land of him, the quhilk baroun chargis his men to rys and mak were with 25 him agayne his king, or that thai help him till his weris making. To the quhilk he ansueris, sayand, that thai suld help him agaynis thair king and that thai do na mys in that agaynis thair king. Forthy that, suppos the baroun be the kingis man, the barounis men ar nocht 30 men to the king; for men sais, he that is man to my man, suld he nocht als be my man. And 3it mare stark resoun; quhen the baroun makis homage to the king, he makis nane homage for his men to the king, bot for his awin persone. Alssua quhen the man makis homage 35

to the baroun or othir lord, he sueris to be with him
 agaynis all persone that may dee and lyve, and thare
 makis he nane excepcioun of the king: and than war it
 lyke thing that the man sulde be with his lord agaynis
 5 his king. And ȝit mare; be all resoun naturale a pure
 man may alswele help him self with his gudis as a rich
 man may with his grete gudis, quhy suld nocht, than,
 the baroun help him selff agayne his king, as the king
 agayne him? and nocht than, that mony argumentis
 10 may be maid in this mater, ȝit haldis all oure doctouris
 the contrair halely, and tharfore will we nocht lang plede
 in the mater contrair; for it is fundyn in the lawis that
 it aw tobe, suppos men mak thir argumentis. Bot the
 contrair opynioun is all verray suthe; for quhen ever a
 15 baroun risis to mak were on his king, or rebell him in
 ony thing tocum agaynis him, he fallis in the crime of
 lese mageste, and in the payne of it; for we mon graunt
 that the king is prince of all his realme, and lord of all
 men and lordis. Quharfore the folk of his realme
 20 misdois mekle to rys agaynis him. For quhen he risis
 agaynis his king he is manesuorne. And tharfore his
 men suld nocht hald with him in his syn to manetene
 him, na sustene him in his manesuering. For the law
 in the decreis sais it is nocht gude help quhen ane
 25 helpis ane othir to do syn. And quhen it is argewit
 that the barounis vassallis sueris to help his lord agayne
 all men, than is he manesuorne, to that may it be
 ansuerd that certaynly he is nocht manesuorne. For
 the ath is understandin—gif be resoun it may be that
 30 he help him; for thare may nane ath bynd a persone
 to do thing that is feloun, na agaynis the lawe, as beris
 witnes the decreis. And all this that we say of the
 king we say of othir princis that ar princis in thair
 awin contreis, hafand nane atour thame in soverayntee,
 35 as is the Erle of Fois, the quhilk is Prince of Bearn,
 in the quhilk he has privilegis of Emperour; for men

Fol. 37. sais he haldis of na man, bot of God, and of the suerd.
 And forthy, gif he wald mak were agaynis his barounis,
 the barounis men suld nocht be haldyn to help thame
 agaynis the Erle of Foies, for he is thair soverane lord
 and prince. 5

**Capitulum
 xvij.**

HERE speris the autour, gif twa barounis has were
 agayn othir, and alsa the king has were in othir kynde,
 quhethir suld thir barounis men help ilkane thair awin
 lord in his weris, or help thair king, and he requere
 thame; as gif twa barounis of Fraunce has were 10
 togeder, and the King of France has were agaynis
 the Inglis men, quhethir sall thai obeye to thair
 king, or to thair lord. And as to that, it is said,
 first, that it semys thai suld pas first to thair lord
 baroun, ilkane, sen thai have suorne till him, and 15
 maid him the athe of fidelitee. Bot, as othir tymes,
 we have said the contrair is the suth opynioun. For
 be all oure doctouris, the vassallis ar behaldyn to
 obey to thair soverane lorde, prince, and king, and
 leve thair lord baroun, be mony and gude resounis. 20
 And first, be caus for the kingis weris has regarde to
 the commoun prouffit of all the realme, quhilk is
 mare to be sene to, na the singlare prouffit of the
 baroun. Ane othir resoun: for the vassallis ar behaldyn
 to thair baroun in speciale jurisdiccioun modifyit, and 25
 to the king in generale, the quhilk is autorizit, with
 grete, and hye, and rycht mychti jurisdiccioun abune
 of soverayntee, abune the small jurisdictioun of the
 baroun. The thrid resoun is: for quhen, in the pres-
 ence of a small officer, cummys the grete officer of 30
 the prince, the autoritee of the grete officer ryale slokis
 as than, and gerris cess the autoritee of the smallare
 officer. And sa the mandement of the king cessis the
 barounis mandement.

HERE makis the autour a questioun, quhethir gif
 I aw lefully to help my nychtbour in armes, gif ony
 wald sett to sla him; as gif I, passand the way
 enarmyt, fyndis men quhilkis wald sla my nychtbour,
 5 may I lefully defend him or nocht? And alssua, gif
 he profferis me of his gudis to help him? The quhilk
 I will preve that I aw to help him, but silver, for the
 law in the decreis sais, *Qui injuriam proximi non*
impedit, similis est ei qui facit. That is to say, quha
 10 lettis nocht the injure of his nychboure is lyke to him
 that dois it. And 3it mare, the law sais, *Qui potest*
hominem salvum facere, et non vult, ipsum occidit.
 That is, quha may sauf a mannis lyf and dois nocht,
 he slais him. And as to the ansuere of this, I may
 15 wele tak silver and waxis to sauf a man fra perilis,
 or to kepe him in his reddour. Bot to say the lele
 lautee, I am nocht behaldin to put my body in perile
 of dede for my nychtbour, bot gif I will of gude
 will, bot gyf it be that I have tane his feis tharfore.
 20 For be the lawe of nature, and be the Ewangele, I
 aw to do for him in my word and gude will at all
 my powere; and to do nathing till him, bot that I wald
 war done to me, nocht puttand my self in fede na
 perile for him, bot gif me lest of gude will, but fee
 25 or wage; and thus haldis the doctouris.

HERE speris the doctour, quhat persounis ar behaldyn
 for to defend ilkane othir of dett. In the first, he sais
 that the vassall is behaldin to defend his lordis persone,
 and he be in present place quhare men wald do him
 30 suppris. The quhilk gif he dois nocht furthwith, quhen
 he fyndis him in perile, but ony condicioun or asking
 of fee, or of waxis, he tynis all that he haldis of his
 lord in fee or heretage.

Capitulum
xxix.Capitulum
xix.

[Capitulum
xx.]

ALSSUA the bonde is behaldyn to defend his lord gif
 ony wald ourset him or wrang him, or do him injure or
 vilany in his persoun, but ony payment of wage, na leve
 asking at ony man, be the wrytyn lawis.

[Capitulum
xxi.]

ALSSUA the sone is behaldin to defend the fader, but 5
 leve of lord na court, na of ony erdly persone, gif ony
 wald sett to do him offence, injure, na vilany in ony
 wis. And that aw the sone to do to the fader, bathe
 be lawis of God and of man, be law of nature and of
 the wangel, and be all lawis wrytyn and unwrittyn, bathe 10
 of civile and canoun.

[Capitulum
xxii.]

HERE makis the Autour a questioun, quhethir a man
 aw erar to help his fader, or his lord naturale: as gif
 the King of Fraunce gevis a castell to the Erle of
 Perygortis sone, the quhilk for this castell makis homage 15
 to the King. Hapnis efter, be aventure, that the King
 and the Erle of Perygort has were togeder. The King
 sendis to the said lord, that he cum to his service, as
 he is oblist till his lord. His fader on the tothir party,
 sendis him mandement, under all the hiest payne and 20
 charge that he may commytt agaynis him, that he cum
 to his service. Than here lyis the questioun, to quham
 he sall pas. And first and formest, men haldis that he
 suld ga till his fader be mony resounis. The first is
 that manyfest thing and clere, is that the sone suld help 25
 the fader, as said is be all lawis writtin and unwrittyn,
 and be lawe of nature, that is hede of all lawis, na may
 never vary na change for na law, and it, that he is
 behaldyn till his lorde, is bot variable thing and cor-
 ruptibil, the quhilk is nocht sa stark band as is the law 30
 of nature. Bot nochtwithstanding all thir resounis,oure
 lawis haldis the opynioun contraire; and that the fader
 suld help his lord agayn his sone, and the sone agayn
 the fader. And the resoun is, for suppos the sone be,

be law of nature oblist to help the fader, nevertheles
 the fader is haldin, and the sone bathe, to help thair
 lorde that thai have ath and sacrament till, ilkane agayn
 othir, and thai be requerit. For thai may nocht brek
 5 thair ath, bot gyf thai brek the commandement of God,
 and the lautee of his corps, for the quhilk brekand he
 war dishonourit and condampnyt till hell. Item, ane
 othir resoun for, and ane othir tenand held the samyn
 land that the sone haldis, that man walde be with the
 10 lord, and sa, but fault, the lord suld tyne his man.
 And 3it mare, gif the sone helpit the fader agayn the
 lord, than suld the lordis awin gudis mak were apon
 him self. The quhilk war nocht wele sittand, that I
 suld mak a man lord of landis to warray my self of
 15 myn awin gudis. And 3it nathes thare is mony stark
 resoun for the tothir part, as the law of nature with the
 commandement of God, that is, Honora patrem et
 matrem. And with that is thare grete habundant
 resounis, as we rede in scripture that the fader and the
 20 sone ar repute junct persounis, that is to say, bot a
 persone. And alssua be the lawis of nature thare suld
 na persoun hate his awin propre flesch na his blude.
 And tharfore in veritee me think that the sone suld
 help the fader nocht gaynstandand all the tothir
 25 resounis, sa that the sone traist fermely that his fader
 have verray rycht. And gif men wald saye he mycht
 nocht help him, bot gif he commyttit the vice of ingrati-
 tude agaynis his naturale lord of the fee, and than his
 fader may disheris him on the tothir part. For he
 30 commyttis agaynis him mare cruelly the vice of ingrati-
 tude, and that may he do be the law civile and als be
 law canoun. For gif a man wald mak ane ath that he
 suld nocht help his fader, quhethir suld that ath be
 keptit or nocht? Trewly I traist it aw nocht tobe keptit,
 35 as beris witnes a decretale. For all ath agaynis gude
 faith, gude custumes, and gude thewis, or agayn the

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bidding of God and our all kyndelynes of nature ar
nocht tobe kepit. For suppos he haffe ath till his
lorde, that ath byndis him nocht agayn his fader, sen
he has ath naturale and carnale till his fader, bath be
Goddis law and mannis.

5

[Capitulum
xxiii.]

HERE speris the Doctour gif a clerk suld erar help
his fader in his weris, na his bischop, gif he had weris,
and ilkane of thame requiris him. To the quhilkis he
ansueris, that be all oure doctouris, he suld erar help his
bischop. For nocht gaynstandand that the band of 10
nature is stark, 3it is the band spirituall betuix man and
his fader spirituale mare stark na the temporale band
betuix him and his fader, and byndis mare strenthily na
temporale or carnale bandis. For gif the tane be fader
to the body carnale, the tothir is fader to the saule 15
spirituale that is mare noble but comparisoun. To
quham all the dyocy suld geve treuth and ferm credence
—till his preching, and teching of the faith, as gif a
commandement cum fra a bailje or a scheref till a lord,
and syne efter cum ane othir fra the soverane lord, he 20
suld be first obeyit, and the tothir left. And here atour
3it, gif a man haldis benefice of the kirk to defend the
kirk and the kirk rychtis, how suld he ask leve at his
fader? And tharfore we suld nocht mak dout na he
suld help first his bischop. Alssua we rede in oure 25
lawis, that gif a clerk has a benefice in a kirk, and gevis
counsale agayne the previlegies or fredomes of that kirk,
he tynys his benefice. And rycht sa; gif I help nocht
my propre bischop, I am agaynis him, Quia qui non
est mecum contra me est; for oure lord sais Quha that 30
is nocht with me is agaynis me. Bot 3it nochtgayn-
standand all thir resonis, I say for me that he aw with
all his hert and all his powar, help his fader first,
kepend his ordres, and his part to the kirk, in othir
thingis, efter the order, office, and estate that he is 35

ordanyt till, bot gif it war allanerly to the socouring of the cristyn faith, in quhilk cas I say nocht na he sulde put all in amitie for the faith bath to leve fader, moder, and all his kyn, and abandon all his gudis, lyf, and
 5 body to sauf the cristyn faith of Jhesu Crist oure Salviour, For sa suld he himself and all gude cristyn man; and spare nocht to the dede to tak marterdome gif it cum till hand. And as to this poynt, there is a decree that confortis this mater gretely, the quhilk sais
 10 that a man in tyme of nede is mare behaldin to his carnale fader na till his spirituale fader, that is in the temporale and carnal help corporale, first and formast and erast, bot till his spirituale fader he is behaldin first in hye honour, reverence, and obedience anent the poyntis
 15 of the faith. And sen we speke herè in this present buke, of bataill and of the help corporale, I say that a clerk is first and mare behaldin till his carnale fader, na till his spirituale—his bischop etc.

HERE speris the doctour gif a man may for his tem-
 20 porale gudis rychtwisly conquest mak defensable were. [Capitulum xxiv.]
 To the quhilk I ansuere ȝow thus that there is na were that men may laufullly diffend the gudis that thai have lawfully wonyn, and conquest. And that opynioun approvis all lawis, and all oure doctouris in civile and
 25 canoun, and with that all gude resoun till it accordis, doutles.

BOT ane othir questioun mare stark is efter movit,
 that is quhethir, gif a man may lefully mak were diffens-
 able, to diffend gudis wrangwisly conquest, or to re-
 30 cover thame agayn, gif thai war tynt, that war nocht rychtwisly conquest, na detfully possessit; to the quhilkis it apperis, as be the first resoun of law, that it aw not tobe, na may nocht, be law, be done. For the lawis sais that men may mak were to kepe thar

[Capitulum xxv.]

awin rycht, bot nocht to manetene wrang. Bot as to that, gif my fader had conquest landis, castellis, or wallit townis wrangwisly, and efter his decess, I enterit in possessioun tharof, nocht wittand of his wrangwis title, treuly myn ignoraunce sall save my conscience 5 and hald me excusit. Bot and I conquest it my self, or that I wist that the title of his conquest war nocht rychtwis, I suld be haldin to manetene that querele. And gif it befell that ane othir that had na rycht wald sett to conquest it apon me, certaynly I may rycht- 10 wisly defend it be were. Bot, and he that it appertenyt to of rycht, had conquest it fra me, trewly I, knawand his rycht, aw nocht to mak defens, tharfore na othir were. Item, ane othir poynt is that gif I have a thing wrangwisly, and the propre lord that aw it tak it fra 15 me forsablie, I may in that chaudecole, tak it agayn, quhill the rycht war knawin. Bot, and I byde quhill I be culit, I may nocht do it, but ordour of just lawe, Suppos that gude war nouthir tane be violence, fors, na reft, I may nocht tak it agayne, na mak na were 20 tharfore, be resoun gif I oursytt ony quhile, bot gif I procede be ordre of lawe; and nocht gaynstandand that syndry doctouris haldis syndry opyniounis, I traist treuly that this opynioun that I have said is suth. Bot jit have we ane othir resoun, the quhilk is full 25 rychtwis, of this mater; for gif a man had derobbit me of my decrez, and me thocht that justice war wayke, or favourable, or othir wayis untraist to recover resoun at thair handis, and I mycht tak it fra him that tuke it fra me, or ony othir on myn awin autoritee, or alsmeikle 30 of his gudis as it war worth, and that be all the gude opyniounis of all oure doctouris, na as anent God my conscience sall nocht be chargit tharewith. Bot thare is ane othir maner of possessiounis, that ar callit pre- caris, that cummys for request, or lordis gevin for 35 thair tyme, or thair will endurand; the quhilk, quhen

the terme cummys, the landis retouris agayne to the lord. As gif I had lent to the provest of Paris my hous to duell in for certayne tyme, and at the termes end, he wald nocht delyver the hous at my request, I
 5 mycht laufully, gif I war of power, forsabily put him out, but clame, or chalaunce of lawe. For quhen he refusis to delyver me my possessioun, in samekle he despoilis me. And nocht forthy, the doctouris makis grete questionis, and haldis syndry opyniounis in this
 10 thing, and specialy men of Kirk. For it hapnis oft that men takis landis be force or housis of lang termes, and syne makis transport of thame, and puttis tham in othir menis handis, and that is a were, quhethir the lord may mak were on him that is enterit under a
 15 maner of a coloure of rycht fra him that maid the force and violence of the first taking, and conquest it fra him be force of armes. Thare is a were apon the quhilk the doctour makis a difference, quhethir the last wist of the violence of the first takare. And it be sa,
 20 treuly he is behaldin, and he may to recover it agayne out of his handis, *Quia licitum est vim vi repellere.* For all lawis levis men to defend force be force, etc.,
 and to tak it be force of armes, gif he may, and put him self agayn in his possessionis, nochtgaynstanding
 25 his transport. Bot, and he that takis the possessioun be force and violence lyis lang in that possessioun, and syne makis a transport, than semys it to men of lawe that he suld be pedit out be forme of lawe, Bot myn opynioun is trewly that he may mak were on him,
 30 and put him out be force of armes.

Fol. 39.

Nota.

HERE speris the doctour quhethir, gif a preste or a clerk may be force of armes defend his temporale gudis,
 as we call patrymonye, or the corne of his grangeis, or the wyne of his sellaris, quhethir he war irregulare or
 35 nocht, to defend him be armes. And first I ansuere

[Capitulum xxvi.]

that he may do it and nocht be irregulare; for quhy, he that wald tak fra a clerk his lyfing he takis fra him his lyf. Bot clere thing is that quha wald tak the lyf fra clerk or chaplayne, thai may be law defend thame be armes and nocht be irregularis, ergo, etc. And 5
 mare stark resoun; it is bath rycht and honest, and of gude conscience, to oppos a man and gaynsay all injure or violence unlauchfully usurpit, nocht detfully done, bot condampnyt for syn, as ar thift, ref, or sik thingis. Quharefore suld nocht a preste resist to sik thing, and 10
 nocht tharfore incurr the crime of irregularitee, gif ony wald ourthraw him, or deroub him wrangwisly in his just, lefull, and honest defens. As belangand the ansuere of this thing, the doctour makis a distinctioun; thus sayand that gif a thef wald reve a chaplane his 15
 mantill, and the chaplayne wist wele or dowtit that the thef, but mare help, mycht do it, or ellis him behufit to sla him, And that the preste had lever sla him na leve him the mantill, I traist thus, trewly, that he suld be irregulare. Bot and the chaplayn war fer 20
 fra ony herbry, and it war sa grete calde or wedder that he doutit that, but his mantill, he wald dee, and as than coud nane othir remede sett in his lyf, and coud nane othir way escape fra the thef, but prejudice of his awin lyf, bot to sla him, trewly in this I traist the 25
 chaplayne is nocht irregulare. And as in the thing the were standis betuix nede, force, and wilfulness, of the quhilkis the tane is excusit anent God, and the tothir nocht. Quia voluntas et propositum distingunt maleficium, That is to say the will and the purpos in 30
 mysdedis makis the man foule or clene. For treuly it war better, quhen he tuke the mantill, leve him the cote, with na to undo Goddis handywerk bot gif neces- sitee forssit gert him do it agayne his gude will. And in sik lyke cas, in all sik materis, I mak my differ- 35
 ence and distinctionis betuix nede, fors, and wilfulness.

And be caus that kingis and princis makis na compt of this mater, I will pas mare schortly, and ane othir tyme speke tharof.

HERE speris the doctour a questioun: quhethir
 5 harnes lent, and tynt in weris, suld be restorit, and recompensit agayne to the lennaris of it. And as to that questioun, gif a knycht of Almayne had borowit fra a Franche knycht hors and harnes to pas till a bataill with the King of Fraunce agaynis the Inglis men, and
 10 the said knycht war tane presonare, and tynt all clerely, quhethir he be behaldin to restore agayne the thing or the valour. To the quhilk thing the doctouris ansueris, that trewly he is nocht behaldin to restore agayne a peny tharof, sen he did treuly all that he said to the
 15 knycht quhen he maid him request. Bot had he done ony barat, or subtilitee till have gert the tothir trow that he wald have passit to the weris, and passit nocht, bot past ane othir way, or maid othir way of change or merchandice tharof, trewly he had bene haldin to
 20 restore all agayne. And 3it wald sum men say it war a poynt of thift.

[Capitulum
xxvii.]

HERE now speris the doctour gif hors and harnes that is hyrit be tynt in bataill place, gif thai suld be restorit agayne; as gif a knycht off France passis in
 25 Spayne in pilgrimage to Sanct Jaques, and thare fyndis the King of Spaigne redy to pas in bataill on his inmyes; the Franche knycht takis in grete curage to pas to the bataill with the noble King, and has na harnes, nor nane habilliament for bataill, bot passis till a marchand
 30 of hors and harnes, and hyris at him alsmony as may suffice him to this day; and hapnys, be cas of fortune, the knycht is tane prisonare, and all tynt, bathe hors, harnes, and other habilliament: quhethir gif the marchand salbe payit of his hors, and othir peny-

[Capitulum
xxviii.]

worthis. To the quhilkis the doctour ansueris, that certaynly he aw to have na payment, bot anerly his hyre for the quhilkis the hors and gere was hyrit, bot gif thare had bene othir condicionis and appoyntmentis maid betuix thame. And all this is approvit bathe be 5 the lawis civile and canoun.

[Capitulum
xxix.]

HERE speris the Autour a questioun: gif a knycht passand his lordis erandis be derobbit and distrussit, quhethir sall the knycht, or his lorde and maister, have actioun of justice agaynis the doaris, as, thus; gif a lord 10 that has weris on hand sendis ane of his knychtis in a place tobe kepit, and givis him na wagis with him, na makis nane othir accordance with him, and in his way, he fyndis revaris that takis fra him all that he has forisably. The questioun than is—quhethir the lord that 15 sendis him, or the knycht sall mak the clame in judgement, to folow the party that is reft. The ansuere is that the knycht may mak clame to the party that reft him be way of accioun of thift. And als he may demaund his scathis at the lord, be way of accioun of 20 dett. Bot gif it hapnys him to recover his harnes at the thefis hand, he mon deliver all that accioun till his lord, gif he will have his scathis hale maid be the said lord; for he may nocht tak payment in twa placis na have twa dettouris of a thing. And, be the accioun 25 that he has to the thefis, the said lorde may recover on his behalf his scathis; and thus sall the lord be herd in judgement on the knychtis rycht, etc.

[Capitulum
xxx.]

HERE speris the autour quhethir gif a man passis to the weris, unrequerit be the lord, or ony on his behalf, 30 quhethir gif he sall be payit of his wagis or nocht; as gif a baroun has were with ane othir, and sa cummis a knycht of aventure, of his gentris. And curtaisly, but ony request, cummys to his socours, and till his help.

The questioun than is, gif he servis him in his weris,
 and but ony condicioun, bot put him in his gentris to
 pay him or nocht pay him, quhethir gif he may ask him
 payment, or nocht. And first I sall preve 3ow that he
 5 aw nocht to ask him wagis. For be the lawis, he that
 will pay mare na he aw, it is na payment. It is gift, Fol. 40.
 and gif he be nocht behaldin na oblist till him, it is
 lyke as he come of purpos to serve for noucht. Bot jit
 nongaynstanding thir argumentis, I trow trewly that gif
 10 he be nocht of his ligne, or that he be of sik mycht that
 he will do it for cheritee, or pitee, traistand that he is
 ourset wrangwisly, he may graciously ask his wagis,
 courtaisly to sustene his estate, and for to lyve honestly,
 but reprof. For the law sais, *Nemo stipendiis propriis*
 15 *teneter militare*, and it suld suffice him that the knycht
 has, of his gentris, done him gude service, till his
 honour and prouffit. For gif he had done it for caus of
 lygnage and cheritee, or othir speciale caus of nereness,
 he mycht nocht ask him wagis.

20 **H**ERE speris the doctour a mare stark questioun:
 quhethir gif a knycht servis a king in his weris agayn
 his will, gif he aw till ask him wagis, or. nocht;
 as gif the King of Fraunce makis weris agaynis the
 Almaynis and Inglis men, and hapnys to cum a knycht
 25 of Ostreche, the quhilk is in nathing to the King of
 Fraunce behaldin, bot cummys of his awin propre
 movement to serve the King of Fraunce, and to help
 him in his weris, and nevertheles the King sais he settis
 nocht by him, na gevis na fors of his help, bot refusis
 30 him in all maner of wis, and nocht forthy he wald
 nocht leve to pas in his service in armes, and to help
 him at his power, and in his dedis dois sa worthily that
 all the Kingis party of Fraunce was the better of him,
 for the grete vailliance of him. Than spere I, quhethir
 35 he may ask his wagis or nocht. To the quhilk thare is

[Capitulum
 xxxi.]

mony divers opyniouns and argumentis. And first he
sais that he aw till have his wagis; for the lawe sais in
a decree that men may geve a benefice till a man
agaynis his will, and 3it nocht than, he is oblist in
kyndenenes till him that gevis it till him. And 3it mare 5
stark argument: a medicinare may geve hele till a man
that askis it nocht, na will nocht of it, and 3it the
medicinare suld geve it him, nocht gaynstandand his
contradictioun, gif he may ony wis. And 3it he may
lawfully ask his payment, and ger him be payit of his 10
travaill. Alswele may we say of this lyke cas. Bot
nocht than, I will say all the contrary of this, and that
is all for caus of the contradictioun of the King, the
quhilk in the begynyng said that he wald nocht of his
service, and this opynioun may be provit be law civile. 15

[Capitulum
xxxii.]

HERE speris the doctour a grete questioun: that is
to say, gif the King of Spaigne sendis socouris to the
King of Fraunce, the quhilk othir tymes has send him
socouris in syk lyke cas; quhethir than may the
Spangnollis ask wagis at the King of Fraunce? As we 20
wald sett the cas, that the King of Fraunce has were
with the Almaynis, and the King of Spaigne, wittand
this, sendis but ony message, or request fra the King of
Fraunce, a grete ost of men, bot anerly for that he is
behalidin of othir tymes that the said King of Fraunce 25
has send him socouris, the quhilkis men of armes servis
him in his weris for certayn lang tyme—than quhethir
thai may lawfully ask him thair wagis. To the quhilk
questioun resoun naturale schawis us that it aw nocht
tobe. For be resoun naturale all man is behaldyn to 30
do gude for gude. And thus, gif I send thame for
satisfactioun and payment of are done dede and
service, I aw nocht to ask double payment. For sen
the accioun is naturale, it may nocht be turnyt in
accioun civile, be the writtin lawis. That is to say that 35

thai mycht ask payment for thair service, quhilk was
 before tyme quytt.¹ And now as to the ansuere of the Fol. 41.
 first questioun: gif the King of Spayne men mycht
 ask wage at the King of Fraunce; a gude jurist wald
 5 sustene grete querele, and grete argument tharapon.
 Bot as be myn opynioun, it semys me that thare is
 na resoun tharein, and sa is the opynioun of oure
 doctouris. For gif the King of Fraunce had othir
 tymes, of his propre motyf, seand the necessitee of
 10 the King of Spayne, send him socouris on his awin
 cost he mycht be accioun in jugement ask him, in his
 necessitee, syk lyke socouris, on his cost. For a gude
 dede requeris ane othir, as sais resoun naturale; ung
 bonte autre requiert. Trewly myn opynioun is that
 15 he aw nocht be resoun to ask him syk lyke thing be
 justice, na has na accioun resonable for him in juge-
 ment. For gyf a knyght of the King of Francis hous
 had gevyn a coursour to the Provost of Paris unaskit,
 bot of his awin propre motyf and gude gree, trewly he
 20 mycht nocht be jugement compell him to geve ane othir
 syklyke hors. Bot 3it nocht than be naturale kyndenes
 he is behaldin till him in ane als gude rewarde cummand
 of curtasy and kyndenes, suppos it may nocht be clamyt
 of dett. And ryght sa say we of the Kingis of Fraunce
 25 and of Spayne, that treuly suppos the King of Spayne
 send of his awin propre motyf socours of men on his
 awin cost, he may nocht demaund him gudely his
 mennis wagis, tharfore, bot of gude will and lyking.
 Na 3it allsua the King of Fraunce mycht nocht have
 30 accione agaynis the King of Spayne to compell him
 to send him socours bot gif him lykit. For gif he, of
 his pure and symple will and lyking, send him help
 and socours, it standis agayne at his will and fredome
 to quyte it him or nocht. Nochtforthy I say, that treuly

¹ In the MS. the latter part of chapter xxxvi. is interpolated here. See Notes.

be all naturale equitee and kyndenes atour all civile accioun, he is naturaly oblist till him in the lyke courtasy, puis que ung bonte ung autre requiert per obligacioun naturall, Sen a bountee askis ane othir be obligacioun naturale. And sa gif the King of Spayne 5 agayne of his courtasy, his gentris, and his kyndenes has send to the King of Fraunce of his awin propre motyf socours in syklike cas, he dois bot his dett, quytand the kyndenes of naturale equitee in the quhilk he was behaldin. An sa he may nocht compell 10 him to pay his men wagis bot at his list. And had he nocht send him socours and courtasy in siklyke cas, treuly he is ay bundin and oblist till him be naturale obligacioun ay quhill he have payit him, and quytt hym kyndenesse. 15

[Capitulum
xxxiii.]

HERE speris the doctour a stark questioun: gif a proud man of armes passis to the were for vayneglore, quhethir may he, be the law of armes, ask wage or nocht. As gif a lady in hir weddowhede has faire landis and lordschippis, and is warraid with a hautane 20 knycht of Gascoyne. Sa cummys a glorious knycht of Fraunce with a proud company, and settis him for to defend this lady with all power, as he that wald be glorifyit in armes, and callit worthy, provit, and hardy in the manetenyng of the richtis of ladyes, and namely 25 of wedowis, and thare dois als worthily as hart wald think. Quhethir, efter lang and gude service, he may ask his wage or nocht. To the quhilk questioun I ansuere 30w trewly, that he aw nocht till ask wagis. For we can nocht fynd be na writtin lawis how he 30 mycht founde his peticioun to ask wage at the said lady. For first he may nocht say that the lady send for him na chargit him, na that he dois at hir comandement or request ony thing for the quhilk scho war dettour till him, na he may nocht found him apon 35

the accioun that he has done hir proffit na that he has done his devoir wele and worschipfully in hir weris, for he did nocht his dedis of honour at hir request, na for hir sake, bot for his awin los. And sa did he his
 5 awin service for his advancement principaly, before the ladyes, and tobe renouned a worthy man of armes. And that was his principale movement, and sa may he rycht nocht ask fra the lady.

HERE speris the doctour gif a capitane doand the
 10 kingis bidding, tynis his gudis, quhethir he may lawfully ask thame at the king. As gif a capitane knycht of Lumbardy cummys in Fraunce, as oft and mony tymes, dois, and ledis with him fifty men of were, and appoyntis with the king of Fraunce for vj frankis for
 15 ilke man in the moneth, for certayne tyme, and takis his wage at the tresourer, and passis till his ordinaunce quhare he is ordanyt tobe. And thare outhir he assailis or he is assailit sa that he tynis his pannoun and his haubergeoun, his platis and his actoun, and his othir
 20 harneis; and als his falouschip tynist hair curass and thair capellins, thair leg harnes, and thair arvalestres. To the quhilkis the doctour ansueris schortly, that thai may nocht be law ask nathing at the king, sen that he has payit thame all that he promyttit thame, and thai
 25 tuke thame to thair aventure; as men of were, thai mon stand to thair fortune.

[Capitulum
xxxiv.]

HERE speris the doctour gif a man of armes gais in
 weris to pele and to rub gere, and to gader richness
 anerly, quhethir he may ask wage at the prynce, as gif
 30 the Marschall of Fraunce be the Kingis commandement pass to Calais in the weris agaynis the inmyes of the realme, and as he passis throu the contree of Berry, or of Tourayne, thare semblys till his rout a company of contree men unchargit, for entencioun to spoile, and

[Capitulum
xxxv.]

gader gere and richness anerly, natheles, it befallis that
 gude dedis of armes ar done and townis ar wonnyn,
 in the quhilk conquest thai do thair devoir as otheris
 dois: quhethir gif thai may, be law of armes, ask to-
 be payit of thaire wagis for the tyme of thair service 5
 or nocht. And as to this questioun, nochtgaynstand-
 and that sum men wald say that gude dede askis re-
 warde, certaynly I say thai may be na law recover
 wagis; for the filth of thair undertaking was in the
 begynnyngh unhoneſt, unlefull, wrangwis and con- 10
 dampnyt. And be all lawis thare may na peticioun
 be foundit quhare the foundement is unresonable, and
 bathe unlefull and unhoneſt, and be all lawe con-
 dampnyt. Quhare he ſais ſhortly that all ſik men
 war better away, na tobe with a prince in his weris for 15
 thare folowis na grace.

Fol. 42.

[Capitulum
xxxvi.]

HERE ſperis the doctour a queſtioun: quhethir gif
 clerkis may pas in weris and bataillis lefully, off the
 quhilkis the maiſteris and doctouris makis grete ſpech.
 To the quhilk queſtioun ſais ane opynioun, that clerkis 20
 may pas in armes and in weris defenſable lefully; that
 is to ſay, for to defend, Quia omnia jura permittunt et
 dicunt quod vim vi repellere licitum eſt. Nochtthan
 thai hald nocht that thai ſuld bere armes defenſives
 with armes invaſives, till invade na man, bot to defend 25
 allanerly. Bot ane othir opynioun haldiſ that thai may
 uſ all armes, bathe armes invaſives and defenſives, that
 is to ſay, bathe armouris, as platiſ, and maille, to kepe
 thair corps, with armes invaſives, as ſpere, ſuerd, ax,
 and knyfe, to defend the corps with, and to repell and 30
 gayn ſtand force be force of armes and wapniſ. For
 quhilum to kepe and defend manniſ gudis and hiſ
 corps, makand defence, him behoviſ to do hiſ falowe
 offeſs.¹ Ane othir opynioun iſ, that at the ſending

Fol. 40.

¹ Chapter xxxvi. cloſes here in MS. See Notes.

for of the Pape, thai may do bathe the tane and the tothir, for he is prince atour all Cristyn folk, and specially atour all clerkis in Cristyndome. Bot efter the tothir opynioun, the bischopis and othir clerkis, the
 5 quhilkis haldis erledomes, baronryis, and castellis under fee of the king ar behaldyn to pas with him in his bataillis. And thai may wele say to the kingis folk, Takis, strikis, and inprisonys! Bot thai may nocht say Sla! sla! for than war thai irregularis. Now lat us se,
 10 than, in this cas, gif the doctouris opynioun be suthe that sais commonly that, gif a man of kirk be assailit, he suld flee out of the felde, and leve the king. Than suld we say that the bischop suld flee out of the felde, and leve his king. Bot certaynly I say, nay, for he
 15 suld understand that he aw to do all that he may gudely but schame do; for we say that we may wele and detfully do it that we may do. Bot it may nocht be done wele and detfully, that he left his king. And tharfore I say that a bischop aw erar sla his inymy
 20 na flee.

HERE movis the doctour a stark questioun efter the lawis. And sett we the cas, that the Duk of Brytaigne send gold in Almayne for to sould men of armes, for the space of ane ȝere, to kepe his contree. And he
 25 makis accordaunce with a company, for certayne price, for all the ȝere. And quhen he is souldit, the chyftane takis his voyage out of Almayne, and cummys resonable grete journeis toward Britayne, day by day. Bot ȝit, or he cum, the inymyes of the Duk has tane his contree,
 30 and put it in subjectioun, and all destroyit it. And be caus that the Duk seis that na remede may be sett as than with sa few folk, he biddis him turne hame agayne in his contree of Almayne. The quhilk chiftane sais, rycht gladly walde he do that, sa that he war payit
 35 of his wagis for a ȝere, for him and his menȝe, for on that condicioun was he thare cummyn. Than here

[Capitulum
xxxvi^a.]

standis the were of law; quhethir he aw of lawe tobe
 payit for all the 3ere, or anerly for the tyme that he
 has servit him anerly. The quhilk I will prove that
 he aw tobe payit for all the 3ere utterly. For the
 law sais that, gif ane advocate in parlement of pape, 5
 emperour, or king has begonne to do his office of a
 3ere, he suld have all his 3eris wagis fullery. And
 rycht sa say we of ane advocate of party, gif he deis
 in the 3ere of his service. Suppos the 3ere be nocht
 all past, or bot begonnyn, his sall have his full feis 10
 and salare. Rycht thus say we of testament, and
 thingis left to men be testament. For gif the King
 of Fraunce had left to the Provost of Paris a thousand
 3erely, till his wagis for ilke 3ere, for his lyf tyme,
 suppos it happyn him to decess in myddis, or in the 15
 first moneth of the 3ere, his servandis will have that
 3eris wagis that thai ar enterit in; etc. Now say we
 sum thing for the tothir party, for be all resoun it suld
 suffice to pay a man for his service maid, and nocht
 tobe maid, sen the principale caus of the service tobe 20
 maid is faillit in nouthir of thair defaultis. And the
 resoun quhy is this: sen he was feit and hyrit to defend
 the contree, and the contree was all tynt or he come,
 than may he nocht defend. Sa cessis the caus of it self,
 and be gude resoun, sa mon the actioun effective, cur 25
 le contraire seroit impossible, for the contrair war a
 thing impossible. And alsa law will nocht that a man
 that is dispoilit wrangwisly of his gudis be vext in
 jugement, quhill he be restorit. And for to say all
 the ressounis for the ta part and the tothir, that mycht 30
 be allegit in this mater, and in all othir questiounis
 in this buke, it war a langsum process; and tharefore
 we leve sum part of oure resounis, to cum to the effect
 of oure mater the soner. And as to the principale
 ansuere, trewly me think that it mycht wele suffice 35
 the capitane tobe content and payde of his wage for

the tyme that he had servit, and with his wagis alssa
 of the tyme that he mycht be agayne in his contree.
 And as langing the argumentis that I had maid, thai
 ar nocht mekle contrair to this opynioun, for the casis
 5 ar nocht lyke. For advocacy and service of princis
 in office fra thai entre in the 3eris service thai sall
 have, be custum privilegit, all that 3eris service to the
 ende, suppos thai dee in the 3ere. And as langand
 gudis left in testament, that is left for the favour that
 10 men has to the persounis. Bot wage is gevin anerly
 for service gudely maid, or tobe maid gif it mycht be.
 And sen it may nocht be, the payment cessis with the
 impossibilitee of the service. For it war ane unreson-
 able thing to pay for ane service that war impossible
 15 to be maid.

HERE speris the doctour, in quhat tyme the wagis
 suld be payit to the souldiouris, quhilk, as I traist, be
 nocht declarit be na writin law. For sum haldis that
 the wagis suld be payit till advocatis and procuraturis,
 20 sergeantis and officeris, in the first entree, sum sais in
 myddis of thair service, sum sais in thend. And, as
 in this mater, all opyniouns by put, me think that we
 suld mak distinctioun in thir persounagis, for thare is
 sum men as men ofwere, that mon hors thame, arm
 25 thame, and als habillize thame, with thair wagis; and
 3it by thair lyfing with the remaynand, the quhilk is bathe
 nedefull and spedefull to be payit in the begynnyng, or
 ellis thai mycht nocht mak service. Othir is thare,
 that takis certane pensioun in the 3ere of a lord, and
 30 takis thair lyfing at his court, and thair lyveree gownis
 anys or twis in the 3ere, and nedis sik men tobe payit
 in the first begynnyng of thair entree? bot in the 3eris
 end? Nevertheles, gif thai have nede in the mene tyme,
 I say nocht na thair lord suld have sum consideracioun,
 35 and geve thaim sum part in the myd term, &c.

[Capitulum
 xxxvii.]
 Fol. 42.

[Capitulum
xxxviii.]

HERE speris the doctour: gif a man of were gais
 to play and disport him with leve of his constable for
 certayne tyme, quhethir gif he aw to be payit of his
 waxis in the mene tyme. As gif a man of armes that
 is payit for a 3ere of his waxis askis leve for a moneth 5
 or mare to pas hame to his wyf and his barnis, to see
 and visyte thame. Quhethir suld he be allowit of that
 monethis waxis, or tyne thame, sen he is fra the weris.
 And as be resoun, it is sene that he aw nocht to have
 thame. The resoun quhy is for sen the king payis 10
 his waxis to be servit in his weris, than gif a man gais
 at his awin plesaunce till his disport, he aw to defalk
 for the mene tyme, as efferis. For waxis ar nocht
 ordanyt to be gevin to persounis nocht resident, as is
 in distribucioun of waxis in collegis, is nocht gevin bot 15
 to thame that resydis. Apon the tothir party it is
 ansuerd thus, sen it is sa that the man of armes askit
 leve at his lord and cheif to pas hame and visyte wyf
 and barnis, and the lord grantit it him for a moneth,
 in samekle the lord did him grace to respyte him in 20
 the mene tyme. For a servand that gais with his lordis
 leve is respitit as resident quhill the terme of his leve
 cum agayne. And tharfore as for me, I say, as all oure
 doctouris and gude resoun schawis, that sen he was
 feit and condicioun maid with him for the hale 3ere 25
 at a tyme, the leve of that moneth devidis nocht the
 waxis of the 3ere, sen he passit with leve; na in his
 condicioun of feyng was divisioun maid of his wageing,
 bot in blok, and somme, for all the 3ere sik a somme,
 he aw nocht to tyne his monethis waxis. Bot and he 30
 had bene hyrit and wagit for every moneth severaly for
 a certayne, quhill he war in his service in his weris,
 I say treuly that nocht gaynstandand his leve, he suld
 be payit of that monethis waxis that he was absent fra
 his service.

HERE speris the doctour a mare stark questioun : that
 gif a knycht war feit with the king of Fraunce for
 certane somme of gold for him, and certane nombre
 of men of armes, for a 3ere, and payit of all his wagis
 5 tharof; gif he wald syne ask leve at the king to pas
 away in other contreis, or till ane othir lord, within
 thre monethis efter; quhethir he aw to be allowit till
 him his wagis of thai thre monethis, or nocht. As gif
 a knycht had maid condicioun with the King of Fraunce
 10 to serve him for a 3ere in his weris, and had well and
 treuly servit him for thre moneth of that 3ere, and efter
 fallis in his hert to pas of the contree, he askis his wagis
 at the Kingis tresourer for thai thre monethis. The
 tresourar sais, nay; that he aw nocht to pay him for thai
 15 thre monethis. For quhy, sen he had feit him for all
 the hale 3ere, traistand to have his service for the tyme,
 and mycht in the tyme that he feit him have had otheris
 at will and wale, of quhilkis he has gert the King be
 misservit; quharfore, he aw nocht to have bot the hale
 20 3eris wage, or nocht, sen he has brokin condicioun to
 the King, the King is free of his clame. And to ansuere
 schortly to this thing; in this contract thare is bot ane
 obligacioun for a 3eris service. And sen the knycht
 in his default has lousit that obligacioun, the king is
 25 free to geve him oucht, or nocht, at his lyking, for
 mortifyit and adnullit is the condicioun but culp of the
 king, the quhilk is foundit in gude resoun, and in law
 wryttyn. For gif in sik like cas, a clerk had purchast
 a benefice hafand cure of saulis, and, in his awin default,
 30 wilfully, he had cuttit his awin tong, that he mycht
 nouthre preche, na teche, na syng messe, na service do
 to God na haly kirk, it war bathe gude skill and resoun
 that he tynt the benefice. And all thus say we of the
 knycht, that aw to tyne all the 3eris fee. And 3it gif it
 35 hapnyt him in his way passing tobe derokit and distursit
 of his hors and harneis, and other habilliament, and

[Capitulum
xxxix.]

Nota.

wald cum agayn till his service, he suld nocht be
ressavit ; for the evill end that he maid of his service
gerris him tyne the favouris that he had of before. For
the service is na worth that makis nocht a gude end.
And al thus the first gude dede mellit with the last evill 5
dede turnis bathe togeder in vice, &c.

[Capitulum
xl]
Fol. 43.

HERE speris the doctour a questioun : quhethir, gif a
man of armes that is wagit with a lord for all the ȝere,
gif he may put ane othir in his stede, or nocht : as gif a
lord had feit a noble man of armes for a ȝere till his 10
service, and he had, be cas of aventure, hapnyt to be
nedefully send for to cum and se his awin place for
grete caus, he requeris the lord that he wald ressave in
his stede ane othir man worthy of armes, to serve for
him for the tyme tocum, in all forme and maner as he 15
suld do. The lord ansueris, nay ; that he has chosyn
him for his [sic] and leautee, and
for his knawin manfulnes, and gude governaunce, and
that he will nocht tak in his stede a strangeare that he
knewis nocht. Than ansueris the souldioure, Certayne 20
schir ȝe do me all wrang, for be the lawis for resonable
excusacioun, and caus inevitable that nane othir may do
bot my self, I am forsit to pas to my place, and be the
law I may put ane als worthy in ȝour service as my self.
Ȝe aw nocht to lett me, bot aw, be the law, to leve me 25
to pas : for sa am I counsailit be worthy men of the
toun. Item, ane othir resoun : quhen I was feit with
ȝow, I had nocht ado in my awin hous ; and now sen
syne, a tyrane man is rysyn in the land, quhilk makis
me were to my place, and my menȝe, the quhilk, bot I 30
remede, I am lyke to tyne up all, bathe wyf, barnis, and
menȝe, land, lythe, and place. Quharfore sen I am, be
the lawe, maist behaldin to socour myn awin thing, me
think ȝe suld nocht warne me leve, levand ane als
sufficiand in my stede to do all that I aw to do, and it 35

is sa that the thing belangis my self, and I am be
 naturale resoun, and als be the ordre of cheritee mare
 behaldyn to my self na till ony othir, the necessitee,
 nature, and cheritee, lousis my band to ȝow, nocht
 5 brekand my leautee, be all lawis bathe of nature, of
 God, and of man. Than ansueris the lord thus, Frend,
 thou kennis and wate quhat condicioun thou has maid
 to me and how straytely thou art oblist to me, the
 quhilk thou has suorne be thy lautee, and the faith thou
 10 haldis of thy God, and thy Cristyndome, and to that
 thing to be kepit thou has maid the grete athe. How
 than may thou cum agayne thine athe, and thy lautee,
 on thyne awin movement and autoritee? Alssua, thou
 may kepe thyne athe, and nocht tyne thy saule, for athe
 15 aganis saule hele is nocht tobe kepit, na for to do
 dedely syn. Quharefore thou aw to kepe me thy con-
 dicious, and ath, and hecht. To the quhilk the
 noble doctoure ansueris, sayand, that him thinkis that
 the man of armys has all rycht, for sen his caus is nede-
 20 full, and resonable, lauffull, naturell, and cheritable, and
 sen that he will sett for him ane als sufficient as him
 self, the lord suld be content. Bot to lautee of the
 lordis party, considerand the jurement of the man of
 armes that may nocht lous his faith, but leve of his
 25 lorde, and that he has a sufficient man of were, in
 quham he traistis alsmekle as him selff, to kepe his
 place, his menȝe, and his gudis, the doctour concludis
 that the man of armes sall byde and serve his lorde,
 and send his campiou to the keping of his hous and
 30 his gudis. And as to the resouns on bathe the partis, I
 will no mare ansuere, bot levis thame to the heraris of
 this buke to dispute as amang thame quhilk thaim think
 of thir twa thingis suld have the maistry. For as for
 me, me think the lord has the rycht, be caus of the
 35 condicioun, and the athe byndis all, etc.

[Capitulum
xii.]

HERE speris he : gif a capitane has maid his moustris
 of his men before a prince or chiftayne, quhethir he may
 lefully, efter the moustris, send away part of his men.
 As we wald sett the cas, that a capitane of Lombardy
 war ressavit in wagis with the king of Fraunce, and the 5
 quhilk capitane obliss him to halde in his company to
 the king a hunder men of armes. And quhen he cumys
 to the moustris, he schawis thame all, and takis wagis
 for thame, and gerris wryte thame in the constablis buke
 that he is payit for a 3ere. And within a moneth efter, 10
 he sendis hame part, he changis othir part, and brekis
 his company subtilly, that the king wate nocht, na the
 constable. Than is the questioun : gif he may lefully,
 but leve, send of his men that he has moustrit, and
 feche othir, ande change and brek his company at his 15
 list, but leve of the prince, or of his constable. To the
 quhilk he ansueris that he may do it but leve of prince,
 or ellis war it a hard thing. For it may suffice to the
 king that he serve him with alsmony folk as he has
 hecht him, that is to say ane hundreth men of armes 20
 as he maid him condicioun ; for be his condicioun he
 namyt na man to his service, nouthir Johne, na Williame,
 na othir name but annerly ane hundreth men of armes,
 sufficient and competent. For oft tymes hapnys that
 sum men of his company ar full of viciis, ryotous and 25
 evill thewit, the quhilkis wald distrouble all the lave, the
 quhilk war spedefull for all partis that thai war removit.
 Sum is dronkynsum, fere, and feloun, sum hichty, haut-
 ayne, and presumptuous, sum stark theef, sum a grete
 leare, sum full of othir viciis, sa that spedefull war he 30
 changit thame, and for the better, as he seis his advantage.
 For be caus of the misgoverance of sik ane ungracious
 creature, all a hale company may tak bathe scathe and
 schame, the quhilk war the kingis scathe. For he takis
 away a lurdan and puttis in a gude man, the king is the 35
 better and all the company. For a king settis nocht by,

sa that he have his nombre, and of als gude. For he
 may nocht knaw wele all the names of his men of were,
 na specealy that he payis 3erely wagis to, na may nocht
 governe ilke company specialy, him self, that is under
 5 him. And tharfore commyttis he the governaunce of
 every company till a speciale capitane that he traistis
 in, and referris him to thair governaunce of particulare
 companyis, and in generale, till him self and his con-
 stable and marescallis, and other grete men. For sa
 10 was battaillis wount in alde tymes to be governyt : sum
 governyt ten, sum L, sum ane hundreth, sum fyve hun-
 dreth, sum a thousand, and syne ilkane of thai partic-
 ular companyes ansuered to the prince, or to the duke
 of the bataill, and sa was all wele governyt. And in
 15 the samyn wys did oure lord Jhesus Criste. He makis
 sum curatis, and vicaris of a kirk, sum persounis, sum
 denys, sum archdenes, sum bischopis, sum archebis-
 chopis, sum cardynalis, sum patriarchis, and him self
 prince and governour our all, and his apostolis in his
 20 name, to preche and teche his lawis and his Cristyn
 faith. And ilk ane to be till othir subordinate, and to
 be all governyt in unitee, and sa suld all gude ost be
 governyt, and thus to the purpos, I say, sa that the
 capitane do it nocht for subtiltee of decepcioun, of barate, Fol. 44.
 25 I traist it may leffully be done. Bot sen he mycht have
 leve of the king, or of his constable to do it, me think
 it war better he did it with leve, for changeing of men
 that wate the kingis secretis, and the secretis of his ost
 may do grete scathe, gif thai for crabbitnes wald pas to
 30 the kingis adversaris; and this opynioun may be wele
 provit be oure doctouris in decreis. For the capitane,
 suppos he be be the king and his counsale chosyn, sa
 is nocht the company that he bringis, ilkane be thame
 self, for thair wit na wisdom, bot as travaillouris, to
 35 tak the payne and the travaill of the weris under the
 obedience of thair ourmen, to mak service and bere

armes, to defend and assaile as a labouroure, the quhilk
ane othir persoun, wele chosin, may suffice instede of
ane othir.

[Capitulum
xliii.]

HERE speris the doctour: gif a man of armes be-
cummys seke in the weris, gif he suld be payit of his 5
wagis: as thus, gif a capitane pass with his folk before
Bayonne, en Bordelaz, in Gynne, and logis him in a
village quhare the contree folk for the despyte of thame
has enpoysound all thair wynis, and thaire brede, that
thai had left in that village, sa that the capitane and 10
his company, or thai war averrit tharof, thai war all
enpoysound, nocht to the dede, bot to lang sekene for
a hale ȝere folowand; than I spere, quhethir thai suld
be payit of that ȝeris wagis. And but mare argument
or process, I trow treuly that thai aw to be payit, con- 15
siderand the cas, for as is usit amang the chanounis
prebendaris of Paris, that suppos he be seke he sall
nocht tyne his distribuciouns cotidianis, forthy sa
that he be wount in his hele, and in his lege poustee,
to be cotidiane at Goddis service, for sik distribu- 20
ciouns ar nocht gevin to nane bot to thame that ar
present at the service of God of all the houris, and the
hie mess dayly. For the doctouris sais that he that
is seke is repute present, for war thai nocht seke, thai
war at the service. And als thai have the sekene in 25
thair lordis service, that excusis thame. For war thai
hale thai wald serve with gude will, quhilk gude will,
be the lawe, is repute till a persone for gude dede.

[Capitulum
xliii.]

HERE speris the doctour, how the gudis suld be
departit that ar wonnyn in bataill, and in weris as thus, 30
it is to wit, first and formest, quhat persone it is that
has maid the conquest of the gude in armes be the
lawe civile, and in quhat kynd of weris that law of
armes in civile bukis takis place, the quhilk is subtile

to understand; for quhy, it suld be first wrttin, gif the said weris be maid be commandement of a prince hafand power and autoritee de juge, decerne, and command weris, as we have spokyn in the begynnyng of

5 oure present buke of the battaillis, and gif thai weris be just and rychtwys or nocht. Bot suppos a baroun mak rycht were of defence agayne ane othir baroun. For ilke man in his awin defens makis rycht were, for all lawis levis all maner of man, to defend him self,

10 and his gudis and landis. Bot suppos that baroun in Nota. his rycht defens tak the tothir baroun prisounare, his corps is nocht forffet till him forthy. Bot he may hald his persoun quhill he cum to the presence of the soverane king of the realme, and thare ask law and

15 justice of him that agayn the law has vext him. And this is the opynioun of oure maistris the doctouris. Bot gif the baroun that takis him haldis him in his place, thare quhare he has bathe hye and law justice, jurisdictioun, ande powar to do justice; in that cas, sen

20 he has fundyn him heryand his land, and slaand his men, and derobband the contree, suppos he war a full grete lord, he mycht ger his juge, shiref, or bailje do justice on him, al war he mare grete maister or gretter lord na him self that takis him and jugis him. And

25 suppos men wald argu this mater, sayand how mycht he be bathe juge and party? Thareto I ansuere in double wis: first for caus that, in defendand his landis: he has tane him and presound him, sa than may he, of his propre autoritee as lord of the jurisdictioun, he

30 may juge him be the privilege of dissensioun. Secundly he may ger justify him be way of permissioun of justice, be the autoritee of the law, be the quhilk he kepend, and gerrand kepe him the termes of law, he may nocht faile na mak fault in, sen law levis it to be done. For

35 in my defendand apon men that assailis me, I may do to thame it that thai proposit to do to me, for that

is bot temporaunce of diffence, resonable, and wele mesurit. Bot suppos we that he, that is the defendour, have nouthir land na 3it jurisdictione nere by quhare he takis him. Quhethir gif he may enprisoun him. To that I say, nay; for sen he has na prisoun nor na 5 jurisdictione, he may nocht, but leve of the soverane, enprisoun him thare. And gif he passis mesure in his defendand, and usurpis, makand him to prisoun quhare he has na power, usurpand apon othir lordis fredome, and apon his king, to that oure doctouris sais, gif a 10 man be assailit in his hous or be the way, and he may tak him, he may enprisoun him in the prisoun of the kirk quhill he gett his gude agayne, and his scathis hale, gif he ony has sustenyt; and suppos it war a kirk man that tuke him, he mycht ger hald him in 15 prisoun quhill he war restorit, and na charge to folow efter. Bot as till our purpos, of gudis wonnyn in the weris; sum haldis opynioun that the gudis that ar wonnyn in weris, mobleis, ar thairis that wynnys thame; othir sais, nay, sayand that thai suld present thame 20 to the duk of bataill, that is the constable, or the princis depute quhat ever he be, and thare he suld depart thai moble gudis to his menze, efter as him thocht thai war of worthynes. Bot as of gudis wonnyn apon inymys, bot ony questioun, ar thairis that wynnys 25 thame, that is to say meubleis.

[Capitulum
xliiii.]

HERE speris the autour a questioun: quhethir gif a man may lefully hald the gudis that he takis fra a thef that has reft him, or wald have reft him be the way. As thus; I am in my travaill passand to Fraunce, and 30 metis in my way a thef, the quhilk wald reve me the hors that I ryde on, and myn othir gere that is nedefull to me, that I may nocht forga gudely, and I defend me sa agayne that thef that I dyng him wele, and takis fra him it that he wald have tane fra me, bathe hors, and 35

othir gere. Than is this the questioun : quhethir I may
 lefully hald this gudis that I tak fra him that wald have Fol. 45.
 reft me. And be resoun me think that it suld be sa,
 and the resoun quhy is for law levis all rychtwis defence
 5 quhen it passis nocht the termes of the offens. As gif a
 man wald geve me a nef strake, and I wald geve again
 a strake with a suerd or a spere, that passis the termes
 of the offens ; for gif he wald strike me with his hand,
 and I strike him agayne with my neve, that is sum part
 10 mare like to resoun. And, tharfore, gif the thef wald
 reve my hors and my gere, and I tak fra him his hors
 and his gere, me think I pas nocht the termes of resoun.
 And suppos he raid on a better hors na I did, me think
 I suld nocht leve him his hors ; for and I left him his
 15 hors, he mycht, efter that I had tane his gere and
 dongin him, he mycht pas, throu spede of hors, till his
 falouschip, or frendship, and semble mare company,
 and cum and oursett me, and put me to nocht. And
 tharfor treuly me think that all that I may gett apon
 20 him, unslaand him, me think I suld tak fra him, and
 never geve him a penyworth tharof. Bot as to this
 mater, it is to wit that sik a cas as this is nocht a thing
 that is privilegit as is rychtwis were ; for in rychtwis
 were all that a man may get of his faa is wele wonnyn.
 25 Bot I spere at the, quhat rycht has a thef to tak my
 gere or I his gere? I may lefully defend me fra his
 evill, bot nocht lefully tak his gere, na he myn, but
 dedely syn. Nevertheles I say nocht na it is lefull to
 tak his gere, and his hors, and kepe thame quhill he be
 30 quyte of his evill ; for all that is bot my defence. Bot I
 am behaldyn to present thame to the lord of the justice
 of that contree, and ask him law and resoun, and to
 mend my scathe, and to hald me harmles of the thef
 and his party.

[Capitulum
xiv.]

HERE speris the doctour, quhethir twa citeis, the quhilkis knawis thame nocht, haldand of na soverane lorde, may mak were, the tane agayne the tothir—as men wald say, Florence, or Pys, or Genuis, or Venys, or syklyke. Than is the questioun, gif the gudis or landis 5 that ilkane wynnys on othir is rychtwisly wonnyn, and of rycht may remayne with the wynnaris. And as the first ansuere, me think it aw na may nocht be wele wonnyn, na wele, na lawfully haldyn. And the caus quhy: for gudis may nocht be rychtwisly wonnyn in 10 were, bot gif the were be decrete of law, war decernit, and jugit rychtwis quhare the gudis ar wonnyn. How than may thai citeis that aw of rycht to be subjectes to the Empire, suppos thai be be fors haldin fra his jurisdiction, how may thai, beand under subjection, juge 15 ony were to be rychtwis, sen it efferis the Emperour to juge thame, and the inhabitantis of thame? Of the quhilkis it is to be wele understandin the citeis that ar in Lumbardy. For thai that be fors of power has lang tyme occupyit jurisdiction imperiale, and be prescrip- 20 cioun of tyme is past date, and is accustomyt to juge the weris to be rychtwys or wrangwis, nochtgaynstand- ing that thai war behaldin to kepe obedience to thair soverane. 3it say I that the gudis that the tane wynnys on the tothir is thairis that wynnys. And 3it nocht 25 than prescripcioun agayn obedience pass never tyme, for thare is a decreet that sais that the citee sulde be wele punyst that revengis nocht hir burgeis suppresit, or opprest wrangwisly. For suppos I be rebellour, nocht rychtwisly, to my lord, 3it may I lefully defend me 30 agayne othir that wald suppris me wrangwisly, and sa may thai citeis ilk ane aganis othir. And tharfore in default of soverane thai may juge were to be rychtwis or nocht in thameself. And thus understand we the lawis civile, and the decreis, and thus may a juge content, 35 and rychtwisly juge pes or were in thai citeis, suppos

- thai have na soverane to quham thai wey, bot anerly
 God allane, the quhilk is soverane till all men. Bot
 ane othir were of law is, Quhethir, gif the folk that ar
 tane in sik weris be bondis to thame that takis thame,
 5 or nocht. And as to that, the ancien lawis ordanyt that
 quhasa war tane in sik weris, thai war slavis and bondis
 to thair takaris, and mycht be sauld in the mercate be
 thair takaris as cow or ox, or he mycht sla him gif he
 lykit, or do ony othir thing with him that him list.
 10 Bot now in thir weris gif a Cristyn man tak ane othir,
 quhethir gif he may thus do, I say treuly, nay. For
 thai alde lawis ar nocht now on days usit aniang Cristyn
 folk; for it is nouthir godlyke na manlyke to be done,
 na to be tholit to sell a Cristyn creature that was boucht
 15 out of thraldome be the precious blude of Jhesu Crist
 oure lord soverane. And sen he has maid man free, he
 suld thrill his brother.

- HERE speris the doctour, gif a man, be the lawis [Capitulum
 that now is, may sla his prisounare at his awin will. xlv.]
- 20 And as to that poynt, I traist that a man may in brethe
 and hete, in felde quhen he hes a prisounare newly
 tane, he may sla him at his awin will. Bot quhen he
 has tane him and led him hame, but new caus he aw
 nocht to sla him, and gif he dois, he aw to ansuere
 25 before God, and before the justice and the lord. For
 quhy to sla in the felde of battaill it is permyttit be the
 lawe, and be the lord of the bataill decretit; bot out
 of bataill nane has power bot the lord and the justice,
 bot gif it be in defens. For the prince may move were
 30 be law, and othir wayis slay be jugement ordinaire.
 Bot he that is now in prisoun and has maid nane othir
 caus efterwart, suld nocht be law, be than put to dede
 at the ire of his takaris. For the law sais that quhen
 a man is in prisoun, than merci is aucht him be resoun,
 35 and than quha hafand jurisdiction slais a man but

justice, tynis his jurisdiction: Quia privilegium meretur amittere qui promissa sibi abutitur potente. Nevertheless gif the prince thinkis that throu sik a man the were wald be continewit, and the pes brokyn, it war than spedefull that sik a man war put off for the better, 5 bot that may nocht do his takare, but grete caus new maid.

[Capitulum
xlvii.]

Fol. 46.

HERE speris the doctour quhethir gif a man may be jugement ask gold or silver at his prisonare for ransoun, or othir richness, to the quhilk I say, nay. For 10 the law sais, quhen a man is prisonare merci is aucht him; how suld he than pay ransoun? For sen merci is aucht him, it mon be payit him, for it war a wrang merci to ger him pay ransoun. And nevertheles, suppos his maister unlefully ask him synaunce, 3it may he 15 lefully pay synaunce, but charge, to sauf his lyf and his hele. And than sen it is unlefull to be askit fin- aunce, how may it be that, be the law of armes, men suld tak synaunce of thair prisonaris, and how may men defend it lafully? And tharfore as for the tothir part, 20 for the law writtin sais that quhen were is decernit and jugit rychtwis betuix twa princis, all that a man may wyn of his inmy is wele wonnyn; and of gude rycht he may hald it. And tharfore, sen he haldis the persone in his prisoun, and to lat him ga he may have 25 his gudis, quhy suld he nocht tak thame but blame or reprof? Item, and a man had apon him in bataill all his richness, in jowellis and harneis, thay war frely conquest till him that takis him, be the wrytin law. Quharfore than may he nocht alswele ger him send 30 and feche thame till him, or he lat him pas fra him? Alssua, be the writtin lawe, gude custum and usage is approvit; and it is clere thing all Cristyn folk, lytill and mekle, has this custume to tak ransoun and fin- aunce, ilkane fra othir. Lat us se than be quhat law 35

or resoun it may be sustenyt to tak fynauce. Bot first
 I say trewly that, be the lawe, quhen a prisonare is tane,
 merci is aucht him and that his maister aw to do him
 grace, that is to say that his maister aw to kepe him
 5 hale, and fere of his persone, that nane do him wrang,
 na uncourtasy of his persone, na in his honour, na to
 defoule him in his persoun, sen he has him in keping,
 and at his merci, and suld mynester him lyfing suf-
 ficiandly efter his estate, at his power, and mak him
 10 gude and free chere quhill he is with him, and gude
 company, for the honour of God lovand him, that has
 gevin him grace and fortune to have victorie of his
 faa. And gif him thinkis he will have sum courtasy
 for his saufing and keping, and costis making, tak it
 15 sa gentily and favourably and sa courtasly, efter his
 power and possibilitee, and efter the custum of the
 contree, and the usaunce of the weris, that it be nouthir
 disherisoun na herischip till him, na his wyf, na his
 barnis na frendis ; for resoun and law will that thai have
 20 sum thing to lyve on, efter that he have payit his ran-
 soun, of quhilk gif he dois the contrair he is nocht
 gentill, na courtas, na worthy man of were, bot erar
 suld be repute ane unconnand tyrane man, unworthy
 to be amang gude men of armes. Bot God wate, and
 25 seis how dayly the men of were that now ar, how thai
 do all the contrair, and how thai ger the pure creaturis
 pay finaunce unresonable, quhilkis ar bot pore labouraris
 of the cornis and wynis, and othir pore labouraris that
 mynisteris of thair labour lyfing to all the statis of the
 30 warlde, off the quhilk it is grete dolour and pitee to
 here and see the cruell marterdome that is done apon
 thame dayly, but pitee, na merci, na cheritee, the
 quhilkis can nouthir evill do, na evill say, na evill
 think, to nane erdly man na womman. Bot dois gude
 35 till all folk, bathe pape, kingis, and emperouris ; and
 all othir lordis and estatis has bathe mete, drink, and

clething throu thame, and nane has pitee of thame.
And tharfore mon we jit mare speke of thame in this
chapter.

[Capitulum
xlviii.]

HERE speris the doctour, gif for the weris that is
betuix the Kingis of Fraunce and of Ingland, quhethir 5
gif the Franche men may lefully tak and enprisoun the
pure labouraris of Ingland, and tak thair gudis, as gif
the kingis men of Fraunce may for occasioun of the
weris of the realmes, ourryn the landis of Ingland and
tak the pure labouraris prisounaris, and eschete thaire 10
gudis that dois na man scathe, and dois gude till all
men, as merchandis and travailouris betuix realmes, that
servis realmes, and bringis in ane thingis that ar nedefull,
and that is nocht in ane othir, throu the quhilkis labour-
aris, merchandis, and men of craft, all the world is sus- 15
teynit. And as to the first sicht, it semys that nay, for
quhy thare suld na man bere ane otheris synnis. For
quhy than suld the pure labouraris, merchandis, and
men of craft bere the charge of the lordis syn? Item,
ane othir resoun; quhy suld be imput till ony man a 20
fault of misdede of a thing that he entermettis him
nocht with? Bot all men seis and wate that the pure
laboureris, and sik men, entermettis thame nocht with
jugeing, na ordanyng, na governyng of weris. Quhy
than suld thai be blamyt tharfore, sen thay in na way 25
entermettis thame tharwith, na has na joy, na plesaunce,
na gevis na gude will thareto? For thai desyre nothing
sa mekle as to lyve in pes ever. Be quhat resoun,
than, suld men our-ryn thame? Item, be all law, resoun
naturale and morale vertu, ilke man suld be jugit, and 30
demaynit efter his estate and qualitee, and sa suld
be servit. Bot all the world wate wele that thir pure
folk has na charge, na takis na lyfing, na partage of the
weris, na of the wynnyng of armes. Quhy, than, suld
thai be oprest be were, or dede of armes? For suppos 35

the were war never sa cruell, ȝit will na men of were
 nouthir sla prisounaris, men of religioun, na pure prestis,
 na hermetis, na ȝit derob thame, na reve thame thair
 gudis, for quhy thai mell thame nocht tharewith, na
 5 thair craft, na cure is nocht in armes of erdly weris.
 And sa in the samyn wis dois nocht the pure labouraris,
 na merchandis. Item, efter the honour of armes and
 warldly los, quhat honour or los may a worthy man of
 armes wyn to outhir sla, or enprisoun a pure creature
 10 that never maid were, nor never bare harneis, na wappin,
 na can nouthir put armour on him self, na apoun othir
 man samekle as a haubergeoun to put on him, wate
 nocht quhat syde suld be before, quhat behynd, na can
 nocht bouche on bassinet, na leg harnais, brassere na
 15 curass? Na quhat honour war it to slaa a sely pure
 man innocent, that can nocht ellis do bot sitt on the
 felde, with his catall or his schepe, and ete a sely pece
 of brede but ony kychyn, and in the scharp schouris
 hyde him in the buskis? Quhat caus makis thir sely
 20 creaturis for to be warrayit? And ȝit, nocht gayn-
 standand thir resounis, oure maisteris and doctouris
 said that gif the peple subject to the king favouris
 him and his opyniounis aganis the king of Fraunce,
 the men of were of France may lefully tak thair gudis,
 25 and warray thame, and tak lyfing of thair gudis, and
 tak thair persouns, and quhat that thai may get of
 thame, and of thairis. Na is nocht behaldyn as to
 Godwart, to restore agayn nathing that thai tak of
 thairis, for quhen the subjectis of the realme ar mighty
 30 and full of gudis, it makis the princis and warryouris
 wantoune, ande mare wilfull to mak were to the King
 of Fraunce. And tharfore ar the Franche men haldin
 to tak thare thair gudis, that thai be nocht sa mychty,
 na forcy to manetene thair wrangwis weris aganis the
 35 realme of Fraunce. For quhen men takis the brandis
 fra the grete fyre, it slokis the sonar. Bot and the

Fol. 47

peple of Ingland favoure nocht the weris agayn France,
 na will nocht manetene thame, na forthir thame in thair
 weris, treuly the Franche men in that cas ar nocht
 behaldin to mak were on thame, na to tak thame
 prisonaris, na mak eschete of thair gudis in na maner 5
 of wis be na resoun. Quhilkis, gif thai do the con-
 traire, thai ar behaldin till ansuere before God, and
 the warld, be veray law and jugement, and be naturale
 resoun. And quhen the weris ar jugit opinly tobe
 rychtwis, and brokyn up, and proclamyt betuix the twa 10
 realmes, than may the warrayouris, with all force and
 power, wyn all that thai may levefully and forsabily
 get, be fors of armes in opyn were, apon ony thingis
 that belangis the realmes or thair power, and gif inno-
 cent folk takis scathe, than, in sik opyn weris, the 15
 prince na the were men may nocht do with, na set
 remede, quhen all gais till all. For as othir tymes I
 have said before, a gude gardenare mon quhilum tak
 the gude herbis amang the evill, quhen he wedis his
 herbare. For the evill herbis may nocht be gudely 20
 ruggit up be the rutis, bot sum othir of the gude herbis
 that ar nere thaim, next nyctbouris, mon be ruggit up
 with thame that ar sa our nere togeder. And sa may it be
 understandin be the men of were that may nocht destroy
 the wikkit men of were that ar thair inymyes, bot quhilum 25
 the gude folk has scathe, bathe in body and gudis. Bot
 than standis thare the wisdom and the vaillaunce of a
 noble man of armes, to consider in his hert in the weris,
 the state, and the qualitee of the persouns, and efter
 thair desertis do thame humanetee, gentris and curtaisy, 30
 and, namely, the symple pure creaturis that we have
 before said of.

[Capitulum
xliv.]

HERE speris the doctour, gif it be lefull thing and
 worschippfull in the weris, that a king or a prince our-
 thrawe ane othir with cautele and subtiltee in weris, 35

quhilk is his inmy. And as to that poynt I preve 3ou
 first that nay, it suld nocht be. And the resoun is :
 for suppos the were be rychtiwis and resonable, 3it be
 the writtin law, as thare is law, sa is thare ordour of
 5 lawe. As suppos a man aucht me ten merkis, 3it aw
 I nocht be cautele na suteltee to tak his gudis tharfore
 forsably, but ordour of law, na to sla his persoun, na
 put him out of his hous, or his heritage. Bot I suld
 plenze me till his juge, and ask rycht and law of him,
 10 be rychtwis, jugement, and nocht be fors barat, na male
 engyne to ourcum him. Alssua, all kingis and princis
 wate wele that oure lord Jhesu Crist is king of kings,
 and he sais that in this erde quhen he was, nouthir
 wald he preche, na teche, na rycht nocht do in hiddilis.
 15 Bot all thing that he did he did opinly, in playne
 audience. And sen all his dedis he did for oure in-
 structioun, me think rycht sa that othir kingis and
 princis suld nocht do in hidilis, na with cautelis, na
 barat till our cum ane othir king, alset he war thair
 20 inmy. For God reprovis all dedis done in myrknes
 and obscuritee, na with dissait, na subtilitee. And sen
 it is aganis God and his doctrine, me think be all men
 it suld be forborne. And 3it a mare resoun and stark :
 for all gude creature that traistis that thair querele
 25 is gude suld have thair traist in God anerly, and nocht
 in suteltee of thair awin engyne, throu malice, or barat.
 For God fortheris all gude rycht, and tharfore sais the
 King David, the haly prophet, non in arcu meo sperabo,
 nec gladius meus salvabit me, sayand he traistit nouthir
 30 that bow, na suerd suld save him, bot God and his gude
 querele. Alssua be the haly wrytt, a man suld nocht
 do till ane othir, bot as he wald he did till him. And
 all man wate well that he is nocht in warld that wald
 that his nychtbour ourcome him with suteltee, na with
 35 barate, in were na pes. How may than a man do till
 othir sik dissait, ungrevand God, allset he war outhir

king or emperoure? And 3it, all thir resouns nocht
 gaynstandand, I hald all the contrair. For trewly I
 say, that fra the weris be declarit rychtwis, and jugit as
 sa, and notifiyt to the inmyes of a prince or king, be
 all lawis of armes I am behaldin, with all maner of 5
 suteltee and engyne, and barat that my wit can devis,
 but dedely syn, that is to say, nocht brekand gude
 faith, and, namely, fra trewis be gevin our, and diffiaunce
 maid. For oure lord Jhesus him self gevis us teching
 thareapon, quhen he said to Josue how he suld sett 10
 ane enbuschment behynd his inmyes, and throu that
 enbuschment he suld vencus thame all, but drede. Bot,
 to mare clerely understand this mater treuly, gif I send
 for myn inmy to desire speche of him, for ony caus
 of trefy, or seurtee, or othir wayis, and I dissave hym 15
 under that assuraunce quhilk I hecht him sekerly, that
 he sall seurly cum and gang unharmyt of me or ony
 of myn, or of my witting or purchas; treuly and I
 outhir tak him, or prisoun him, or othir wayis do him
 ony violence or gref in ony wys, I brek my law and 20
 brevis myn honour, again God and gude faith. Or 3it,
 gif I tuke trewis with myn inmy, and under thai trewis
 tuke a castell or wallit toune, or ellis our raid his landis,
 and destroyit or dispoilit thame, I kepe nocht my lautee,
 na myn athe, na myn honoure, and aw to restore him, 25
 and mak his scathis hale, and mak him grete amendis.
 Bot thare is othir sutelteis ynew that men may us to
 barate thair inmyes, as to lay enbuschis out of trewis,
 or 3it ger spy thame, and se quhen thay ar in disaray,
 and wate thame at the wanlas, or 3it, in bataill, dissave 30
 thame, to geve thame the sonne in thair face, or the
 wynd, and the poudre in thair face, or to geve thame
 the werr felde, outhir lawar or in a myre, quhare thai may
 nocht wele semble, na to help thame selff; or to fynd
 wayes to stryke doune thair banner or thair standart. 35
 Bot 3it, I hald that a king suld nocht have samekle traist

in goddis help, bot he suld help him self in all maner
 gudely, but faith breking, or of syn commytting; for the
 law writtin sais, Quod licitum est inimico inimicum deci-
 pere dolose dummodo non rumpatur fides. Bot a prince
 5 suld first sett him in rychtwis querele, and syne suld
 purvay him of wis counsale before all thing, and syne
 of gude worthy men of were and of gude renoune. And
 syne to do gude diligence, and pray God to help him
 ithandly and lyve clenely, and sett his traist all in
 10 God with his awin gude governaunce. For the wys
 man sais, Faciat homo quod in se est, et deus implebit,
 Lat man do that in him is, and syne traist in Goddis
 help, and he sall supplee his gude rycht.

HERE speris the autour quhethir bataill may be
 15 lefully done on a festuale day. And first I argu that
 it aw nocht to be. For the festuale day is ordanyt to
 serve God apon anerly, and be that way suld nane othir
 weris be done that day, bot that war godlyke, as sais
 the decreis. Bot here I may preve aganis this, that [Capitulum
xix.]
 20 bataill may wele be done on a festuale day, for the peple
 of God oft tymes gave bataill in festuale dayes. And
 tharfore I say, trewly, that for caus of necessitee in
 festuale tymes may be done bataill. For and the King
 of Ingland come again the King of Fraunce, profferand
 25 him the bataill on a festuale day, the King of Fraunce
 behovit for his honour on nede force to geve him bataill
 quhat day that ever it war. And this doctryne gafe us
 oure lord Jhesus Crist, quhen he helit a seke man on
 a festuale day. For the quhilk caus the medicinaris
 30 may lefully do thair craft of medicyne to seke folk on
 the haly day. Bot certaynly, bot gif necessitee con-
 streynit to geve bataill in haly day, I say as all the
 opyniouns of oure doctouris and maistris sais that it
 aw nocht to be done. Bot I se nocht that men of were
 35 settis thame to kepe the haly day. For thai lett nouthir

haly day, na othir day, to ryde and tak placis, or mak pilleryis, or othir forragis; do mare the Sondag or the haly day na othir wolk dayes, alset it war pasche day als ere as fastyn evin day. Bot and, that diligence war done for the spede and the gude of the commoun 5 prouffit, it were wele done. Bot God wate how mony is now in land that settis thair hert and thair besy cure for the utilitee of the commoun profit!

[Capitulum
li.]

HERE speris the autour, quhethir, gif a man be awand me gudis, and I be of power to tak my payment be dede 10 of were, quhethir aw I to mak persecucioun agayne him in jugement. As thus; suppos we that a baroun dois wrang till a knycht of lang tyme, and nocht gaynstandand that the knycht had lang tyme askit resoun and justice of the said baroun, he coud nane get, and sa this 15 seand, that he coud nocht be servit of justice, he assemblit him a grete rout of men of armes, and past to that lordis landis, and tuke alsmeikle largely of his gudis, as the soume that the baroun held wrangwisly fra him. And nocht gaynstandand that this said knycht 20 had tane satisfacioun and assithement of the barouns gudis, sone efter this, the said knycht fyndis the said baroun at the toun of Paris, and gerris summound him before the King and the counsele, and makis him questioun, askand him to restore and reform the wrang 25 that he haldis him. The baroun ansueris agayne, sayand that gif he aucht him oucht, he has tane rycht gude assythement tharfore. For thou hes cummyn apon me in fere of were and tane at thyne awin hand alsmeikle or mare na I held of thyne. The knycht ansueris agayne 30 sayand, Certane, schir baroun, it that I tuke of 3ouris is scanty the costis of the men that I led with me to wakyn 3ow to do me resoun. And suppos I had fer mare tane of 3ouris, it passis bot in dispens of the per-

suyte of the principale. And sen it is for 3our fault of
 3our frawart will, that ye will nocht do me resoun, na
 pay me it that ye aw me, na be na law it suld nocht be
 put in my count, na allowit that is nocht delyverit me
 5 in payment. For quhy in my rycht persewand, it is as
 thing rychtwisly conquest to me of rychtwis were; for
 law civile and law of armes gevis that privilege of were
 to thame that ar opprest wrangwisly and can get na
 remede. Than ansueris the baroun, replicand this argu-
 10 ment, sayand that gude law, na gude faith, wald nocht
 thole that a thing suld be twis payit, quharfor, sen he
 had payit himself of alsmeikle soume or mare, how
 mycht that be, that law wald suffer to mak a new pay-
 ment? And tharfor, sen, in ony maner of wys, 3e have
 15 tane anys 3our payment, it may never be, be law, that
 3e suld have ane othir payment. And as to this
 demaund, be the law of armes we may say thus, that
 treuly, gif the gudis that the knycht tuke war the propre
 gudis of the baroun, and he had tane sufficiandly to be
 20 his payment, I traist he suld nane othir payment get.
 Bot gif thai war his pure mennis gudis, the quhilkis
 aucht him nocht, he aw to be payit of the baroune of all
 his soume of lenth that he war scathit of; or ellis, that
 he gert him be quyte of his pure mennis clame, and
 25 put thair soume in his payment. And gif the gudis
 that he had tane war othir nychtbouris gude that he had
 na clame to, na aucht him nocht, na pertenynt nocht till
 him in nathing, he aw to be payit againe of all his
 rychtwis clame, and he aw till ansuere to thai nychtbouris
 30 the quhilkis nouthir had were to him, na he to thame,
 and to content thame agayne in alsfer as thai war
 damagit throu him in that. For quhy, thai nychtbouris
 may recover thair gudis agayne, and than war he unpayit.
 And sa, in the cas that the gudis war the barouns, or
 35 his tenandis, he suld be content thai quite clamand him

in tyme tocum, to nocht reclame him of thai gudis, he aw till allow thai gudis as payment of his costis and scathis, in alsferr as thai mycht reke etc.

[Capitulum
iii.]

HERE speris the doctour a stark questioun, quhethir, and a knycht be dede in bataill, gif his saule be sauf 5 or nocht. And as to that it war lyke that it war nocht sauf. For clerkis haldis opynioun that quha ever that servis in armes and in weris may nocht ples God, for armes may nocht be servit but syn. Item, gif a clerk deis in bataill, he suld nocht be put in Cristyn beris; 10 for quhy, he dois agayn the commandement of the kirk. And the resoun is, for a mortall man that deis in ire and in evill will is lyke that he war dede bathe body and saule, sen he deis out of cheritee. And rycht sa may men think of a knycht. Nochtthan as langand 15 this mater, we may mak thre conclusiouns. The first conclusioun is that trewly quhat ever knycht or othir man that deis in bataill agayn the Sarrazenis, or othir goddis inmyes, or inmyes of the faith, or inmyes of the verray pape, sa that he be out of 20 dedely syn, in othir wis he passis furth with in paradis, for sa sais oure lawis, and oure faith sa holdis. The secund conclusioun is that gif a man deis in a just bataill, sustenand a rychtwis caus and querele, wele confessit in othir thingis, I say trewly he salbe sauf. 25 The thrid conclusioun is that gif a man deis in a wrangwis caus, manetenand a fals opynioun, treuly he is condampnyt, bot gif the merci of God ga betuene, the quhilk is redy to all synnaris. For we hald be oure cristyn faith that all creature humane that deis in dedely 30 sin passis till hell but redempcioune, in perpetuale dampnacioune etc.

[Capitulum
iii.]

HERE speris the doctour quhethir rychtwis men or synnaris ar in battaill the starkaris. And first he provis

that the synnaris ar mare stark in bataillis. For we rede of a wikkitt thef that had nane in his company, bot all thevis, and revaris, and pastouris, was all his tyme king and syre of Babilone, and our threw all his
5 nyctbouris, and grevit ay the gude as him list, and favourit and nurisit evill folk. Item, Alexander the conquerour, quhilk was king of all the warld, was Fol. 49.
a grete tyrane, heichthy, hautane, avaricious misdoare, luxurius and rycht vicious. The quhilk distroyit and
10 slew nereby all the kingis of the warld. Na was nane sa rychtwis that he wald thole in governaunce. Item, ane othir wikkitt man callit Assur. Put he nocht all the peple of God in prisoun be force of armes? and despoilit, and desrobbit all the templis that war ordanyt
15 to the service of God? And all the haly rychtwis folk that he mycht ourtak he put to dede, and marterit thaim, na had nouthir merci of gude na evill, and he bathe stark, hardy, and rampand as a lyoun. And 3it was he maister, nocht gaynstandand that he was a grete synnare.
20 And Jonathas, alssua, was a worthy and hardy man in armes, and 3it was he a grete synnare. Item, the Emperour Autovien; was he nocht a wikkitt man and a grete lechour? And 3it was he hardy, and a stout man of armes, and conquest grete contreis to the Impire of
25 Rome, and almaist all hale the warld put under thair subjeitioun. Item, Oloferne, the quhilk was stout and hardy man and mychti of were in armes, that in his tyme fand nane his pere, and maist tyrane was apon the peple of oure lorde, off the quhilkis materis I mycht fynd a
30 thousand argumentis. Bot it war our contrarysum to rehers. Quharfore I will pas mare lychtly. And as to the contrair party, as David, the quhilk was bot of lytill stature to grete Goulyas, be his grete bountee he vencust that grete Goulyas, with na help bot Goddis help, and
35 his slong and his slong stanis. Item, we have in the alde testament, how ane of Goddis servandis chassit

a thousand and ij, x^m; that is to say, men of gude lyf
 chast of synnaris that was again the peple of God, ane
 chassit a thousand othir, and twa chassit ten thousand
 synnaris, for that God was in thair help. Item, quhen
 the peple of God suld have fouchtyn with the inmyes 5
 of God of the generacioun of Benjamyn, for to have
 revengit the schame that thai had done to oure Lorde,
 the peple of Israel was discomfyte twys, or thris, be
 caus thai war nocht in gude estate of confessioun, and
 efter that thai had schryvin thaim, and put thame in 10
 gude estate, thai wan thair inmyes, and put thame to
 confusioun, and disconfiture, quhen thai had askit merci
 of thair synnis. And 3it with that, oure decreis, spekand
 of the realme of Britonis, that gif the Inglishmen be
 enclynynt to the syn of the flesche, habandound togeder, 15
 and geve thame to that delyte, thare sal cum of that
 folk, peple villain and wayke in the faith, and evill till
 arreste fra bataill, bot flowand and untraist in all thair
 dedis. And tharfor, sais oure haly scripture, that peple
 in syn and evill lyf ar nocht be mekle sa hardy, sa 20
 victorius, na sa happy as otheris that ar clene confest,
 contryte, and in gude estate to the saule behufe. For
 sik a gude man in bataill is mare helplyke in sik estate
 na as a thousand sik othir may be in evill estate. For
 thai hynder mare na further, for the unhap and the 25
 misfortune of thair wikkit syn. For few men in weris
 and bataillis, beand in the state of grace, is mare victorius
 na ar grete multitude, full of syn and wikkitnes. For
 all gude grace, gude fortune, and gude victory cummys
 fra God, and of his grace. Bot gif, quhilom, gude 30
 creaturis ar put to the werre that is for sum punycioun,
 that God will punys thame for sum faultis bypast, or
 othir wayis be the ordynaunce of his secrete counsale of
 hevin, as to geve him punycioun, to prove his pacience,
 that he may be mare glorijs crownyt in hevin, till assay 35
 his vertu of pacience in his adversitee. For oure lord

provis gude men in the chemmyne of mekenes, as gold or silver is provit in the furnas that is oft tyme moltin to prove gif it be fyne, to put in the lordis werk ; as was provit haly Sanct Lowis of France, the noble king, the
 5 quhilk God tholit, be permissioun, him to be led away prisonare with the traytouris mistrowaris unfaithfull Sar- razenis, efter that he had bene discomfyte in felde ; the quhilk we traist, as be oure jugement, was to prove his pacience, and to be mare glorifyit in hevin, etc.

- 10 **H**ERE speris the doctour, for quhat caus is thare sa mekle were in this erde? To the quhilkis I ansuere the, that anerly for the mekle syn and trespass of man, the quhilk God tholis, to punys thame of thair misdede, all thir weris and bataillis. For this sais the haly scrip-
 15 ture ; *Quicquid patiuntur peccata nostra meruerunt, quia, si nulla regnaret iniquitas, nulla dominaretur adversitas.* For the men of were ar callit the scourge and the wand of God ordanyt to punys synnaris, throu the permis- sioun and tholaunce of God, quhilkis punyss thame that
 20 is here synnaris, and makis execucioun of Goddis justice here, rycht evin as dois the inymyes of hell execucioun of Goddis rychtwis jugement in the tothir warld. And gif that gude men that ar lufit with God be torment here with tyrannis, that is punycioun and
 25 purgatorie of thair small synnis, that thai may be mare gloriously rewardit in hevin, and nocht to remayne lang in purgatore quhen thai ga hyne. And alsua wikkit men has oft tymes in this warld welth, and withgang, victory, and warldis honoure, sa that, fra thai passe
 30 hyne, thai have ressavit thair reward, gif thai ony small dedis gude has here done, to be the mare cruelly punyst in hell quhen thai pas hyne. And tharfore ar the wikkit men of were bot tormentouris of gude men, and executouris of Goddis will. And quhilum sum dois
 35 weris for rychtwis querelis, and gude caus to manetene,

[Capitulum
liv.]

gais in bataillis. Bot gais in weris and in bataillis for the synnis and the wikkitnes of the warld, and makis unrychtwis weris for pride or orguille of thair hertis, as dois chiftaynis but prince or soverane lord; as dois 3one partis of Lombardy, of the Gelf and the Gybblyn, 5 the rede ros and the quhite; and 3it thai wate not forquhy na quhat caus, for the fader will be oft agayne the sone, and the sone aganis the fader. The quhilkis weris cummys bot of outrage and felloun hertis that ar sett in wikkitnes, but caus or resoun that gude is. 10 And oft tymes, alssua, cummys sik weris for covatis of warldis gudis, to have grete dominacioun, or grete lordschippis; for thare is syndry kynde of folk that, had thai all the warld, 3it scantly wald thai be content; bot for warldis gude, wald occupy townis, citeis and realmes 15 of othir mennis, as did king Alexander, quhilik thocht thare was nane worthy in warld to be a king, na to have land na lordschip, bot he. And commounly out of this covatis partis and procedis all vicis of this warld, and all tyrannyes. And 3it oft tymes cummis 20 weris for the syn of disobeisaunce. For mony ar, the quhilkis, for thair pride and surquidy, thinkis thai suld nocht be underloutis to nane erdly prince, quhilkis ar and was bot vassallis, and under obeisaunce of all tymes. And of this wrechit disobeysaunce cummys untreuth 25 and unlautee. And sa be syn cummys all weris in this warld, etc.

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[Capitulum
[v.]]

HERE speris the doctour a questioun: gif that a man be haldin in a tour in prisoun, quethir may he leue-fully brek prisoun, and scape gif he may, or out of 30 ony othir ferme prisoun. As thus: gif a knyght in the weris takis ane othir prysonare, as oft tymes befallis, and puttis him in a clos prisoun toure, or castell, quethir, gif he dois agayn resoun and law of armes, to brek prisoun and escape, gif he may, be cautele or 35

subtiltee. And, as be the first face, it semys that be
 resoun he aw nocht to do it. For quhy, be the lawis
 he is in his merci, and, merci is aucht him; quhat nede
 war him than stele away? Item, thare sulde na man,
 5 be the haly scripture, do till his nychtboure bot that
 he wald war done to him. Bot thare is na man sa
 symple of wit that wald that ane othir man had
 brokin his prisoun and escapit fra him. Quhar-
 fore it aw nocht lefully be done, a man to brek his
 10 maisteris prisoun. For he is his lord and maister, ay
 quhill he have payit him, or acordit with him. Alssua,
 fra a man have gevin his faith till his maister, he aw
 nocht to brek it; and how may he eschape but brek-
 ing of his ath and his faith, and but schame? Bot
 15 as to the contrair party, it is ansuerd that a man is
 free gif he may eschape. And the caus quhy is for
 all mankynde, be the law of nature, as sais haly scrip-
 ture, desyris naturaly to be at fredome and libertee.
 And als the lawe of nature is hede and maistress of
 20 all lawis, and in all tyme is just and lele, and varyis
 never, suppos othir lawis and constituciouns varye, that
 ar maid be mannis ordynance. For law of nature
 is Goddis awin lawe. And sa, suppos he escape, he
 dois na mys, sen he dois bot efter the lawe of God.
 25 Item, it is wele kend be all lawis that ane obligacioun
 maid be force and violence has na strenth. Quharfore,
 sen it is notour thing that he had maid that promess
 throu fors and violence, quharfore he is nocht be-
 haldin to kepe that arreste bot gif him list. Bot, as
 30 for utter ansuere to this questioun, treuly as to myn
 avis, lawe and gude faith avidis that, gif a knycht war
 arestit, and maid prisonare in bataill till his inmy,
 and put in prisoun, bot gif he mak ane express ath be
 the faith of his body, lelely and treuly to hald prisoun
 35 and nocht escape quhill he be accordit with his maister,
 he is behaldin till escape gif he may in ony wis. Bot,

gif he be oblist in the contrair efter his taking, law will that he kepe gude faith, or ellis he forfettis to God and man and to the warld. Bot and his maister, atour his lefull and resonable prisoun, do him sum outrageus injure or othir inhumanitee, he is nocht behaldin to 5 hald prisoun, gif he may ony wis eschape. For gif he be haldin in sa straye prisoun that he be in perile of malady perpetuale, or of dede, or that he be but esmentis of his persoun sik as nature askis, treuly he may eschape lefully but reprof, and he may, or ȝit and he 10 peroffer resonable ransoun; and to mak sekir tharfore, and his maister forsake it, he may lefully escape. For he is nocht haldyn to put him self in povertie, na his wyf, barnis, na othir frendis, for his fynaunce paying. Alssua, gif his maister be sa cruell that outhir 15 be he dyng, or sla his prisonaris, he aw nocht to byde in prisoun and he may fynd ony way to escape. For it is na ferly, quhen a man seis his nychtbouris hous byrn, suppos he be rad for his awin. Item, gif his maister have sik a name that he be custumyt to hald 20 prisounaris sa lang that outhir thai pay all that he will set on thame, or ellis to ger thame dee in prisoun, in that cas, I say, he may escape gif he may lefully. And thus ony of thir casis he may eschape, othir wayis nocht. 25

[Capitulum
lvi.]

HERE speris the doctour a questioun: quhethir gif a knycht have suorne to hald prisoun till his maister, and his maister, efter his athe maid till him, puttis him in clos prisoun ferme, quhethir is he be haldin to hald prisoun in sik kynd, or till escape lefully, gif he may. 30 As thus: a knycht has lawfully, in dede of armes and lefull were, tane ane othir knycht prisounare, and gerris him suere grete ath to hald prisoun quhill he be content of him, and that nocht gaynstandand, he puttis him in ferme prisoun, in ane hous of his castell, and in a stark 35

toure, with gude wache and warde apon him nycht and
 day: quhethir, gif he be excusit to escape, and he may.
 To the quhilk questioun I ansuere thus, that, trewly,
 me think that he mysdois nocht in nathing. For quhy,
 5 sen he gerris him first mak him obligacioun and faith to
 kepe prisoun, it is lyke that he traistit in his leautee.
 And gif he efterwart gerris put him in ferme prisoun, it
 is lyke than that he traistis nocht in his leautee, na in
 his faith. And sen he has na traist in his leautee na
 10 faith, quhatkyn faith suld he kepe him, or brek him?
 Alssua, sen he tuke anys aith of him to hald prisoun,
 and syne efter that, closis him and kepis him in ferme
 prisoun, it is lyke that he passis fra the first appoynt-
 ment and obligacioun, and be that, suppos it be nocht
 15 spokyn in word, he schawis it in dede be the maneris
 that he haldis till his said prisonare. Bot, as to this
 questioun, I say, that, gif a man has tane a prisonare in
 lawfull were, lawfully prisonare, and gerris him suere to
 hald prisoun in quhat maner that his maister lykis to
 20 put till him, sa that he offer him resonable finaunce, and
 that he geve him lyfing, sik as he may, efter thair estatis
 bathe in the contree, sik as may be fundyn, and that he
 be nocht in sa hard prisoun that he be in perile to be
 maid outhir crepill, or mortall infirmitee tak in prisoun,
 25 or to dee utterly, I say he aw to hald ferme prisoun, as
 he is oblist, sen he is his prisonare in lafull were, quhill
 he have content him of fynaunce resonable, sen he savit
 his lyf. For prisonaris ar nocht ordanyt to hald sa free-
 prisoun that thai be led to hunting and hauking, na sik
 30 disportis, bot to be keptit as prisonaris suld be keptit,
 and nouthir to play at chess, na tableis, in tavernis, na
 in hallis, na chaumeris. Nochtthan, trewly, quhen ane
 honourable knyght, lord, or worthy man of armes is
 tane lafully and honourably defendand his lege lord,
 35 or a rychtwis were, mayntenand gude faith, and honour
 of armes, that he war nobly demaynit in prisoun, and

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haldin mare worschipfully na othir cruell or tyrane men, brekaris of pes, or doaris of grete injuris to thair inymyes of the party contrair. For, as thai demayne prisounaris, in thair dangere beand, resoun wald thai war demaynit. Bot a noble knycht that ay has governyt him nobly, as worthy man of were but outrage, suld be haldin in free prisoun with plesaunce and disportis, and blihtnes, festand him for honour of nobless. For oft tymes mony noble men ar bakkit in bataill, and discomfyte, that did full worthily and honorably thair dettis in bataill, suppos that fortune be aganis thame as than. Bot syndry folk gevis blame and lak to thame that tynis a bataill, and honour and los to thame that wynnis it. Bot, treuly, it may fall full wele that thai that tynis the bataill has servit na blame tharfore, bot wys men of were gevis ay the loving to grete God. Bot ȝit, say I, that, be ane othir opynioun, that all athe and promess maid in prisoun, thret or nocht thret, suld be treuly kept, sa that it war possible, and nocht aganis the faith na in prejudice of the saule behufe. And, sen men may kepe strayte prisoun and nocht tyne the saule, methink it suld be kept, and gif him think it hard to thole, kepe him the better in tyme to cum tharfra. For sen he makis his athe to kepe treuly quhat prisoun that lykis his maister, thare he tynis the privelege of lawe that he had of fredome to escape gif he mycht.

{Capitulum
lvii.}

HERE speris the doctour; gif a man of were assuris ane othir frely to cum, and spekis nocht of his way gang-ing, quhethir gif he—as gif a baroun has were aganis a knycht, with grete inmytee on every syde, the frendis on bathe the partis desyris accordaunce to be maid betuix thame, and to travale in the mater, tretis the baroun to send his assuraunce, durand for certane dayes, to the knycht to saufly and surely cum till his speche. The knycht mistraistand na thing, bot treuly hafand his

fyaunce in the barounis sauf condyt, cummys to his
 speche. And quhen thai have spokyn togedder, the
 knycht wald pas agayn till his place; the baroun gerris
 lay handis on him, and arrestis him as his prisounare;
 5 the knycht askis the caus for quhy; the baroun sais,
 for quhy that his letter of assuraunce is expirit, and the
 date passit, for quhy he had na letter of him of assur-
 aunce, bot anerly to cum and speke with him, bot nocht
 to return agayn; and be all lawis and resoun, men suld
 10 in sik thingis conforme thame to thair writtis; and thar-
 fore sen the wrytt sais that anerly he was assurit tocum,
 and nocht to gang, he kepand the poyntis of his wrytt,
 he may nocht be reprovit, for he dois wele that kepis his
 condiciouns. And thus speris the questioun; quhethir
 15 the baroun wrangis the knycht or nocht. And as to
 the first face, it semys that he wrangis him nocht, for
 quhy as before said is, he kepis his writt, and wax
 nocht excedand the termes of his assuraunce. Quhar-
 fore he may nocht of resoun be reprufit. Alssua, ȝit a
 20 mare stark resoun: be al lawis of armes, and othis
 lawis, fra tyme were be ordanyt and enterit, all man of
 were may dissave his inymy be barat and slicht, sa that
 tharein be na dedely syn to sla the saule, na to do
 misdedis. Than, gif the baroun with subtilitee or slycht,
 25 the baroun mycht, nocht brekand a poynt of his sauf
 condyt, to begile him, me think he has all rycht, and
 nane suld blame him. And ȝit, nochtgaynstandand that
 sum men of armes will nocht hald this opynioun, I say,
 treuly, be bathe law of armes, and law of nature, that he
 30 aw to be haldin free of passage alswele as of his come.
 For thare is na man naturale bot thay may, be clere
 understanding, knaw that quha ever be asseurit surely
 tocum and speke, it is understandin, sen he may nocht
 here byde, that hame agayne behufis him gang on nede
 35 fors. For it war a symple assuraunce, gif a man suld
 under fyaunce, and hope of sekir faithfulnes, cum till a

lordis presence, and syne ger sla him quhen he come
 thare, the assurance ware lytill worth. Item, it has bene
 and is that all men of were, in esperaunce of gude faith,
 has ay contynewit sik maner of governaunce throu sauf
 conditis, or ellis how suld thai be callit sauf condytis, 5
 bot gif thai condyte thair maisteris sauffy and surely?
 For men wald never traist to cum apon thai sauf
 condytis, bot gif thai mycht bathe cum and gang
 suerly. Than gif be the benefice of sauf condyte
 vaillis nocht, never man wald traist efter in sauf 10
 condyt, gif quhen he passis he suld nocht repas
 agayne till his hame. For it suld be understandin
 that assuraunce suld be hale in it self; for the law
 sais that a condicioun ordanyt for gude to the party
 suld nocht turne in prejudice of evill. Alssua se the 15
 entencioun of the takar of the sauf condyt, and quhare
 he takis it, and gif he takis it in sekir place, it suld
 be understandin that it suld be seur and traist till
 him, quhill he cum in seur place agayne, or ellis it
 tynis the vertu of sauf condyt. For as it is understand 20
 to seurly cum to speche, sa is understandin to seurly
 byde, and seurly retourne; trewly gude faith and
 resoun wald it, or ellis it suld nocht be callit sauf
 condyt, bot fals condyt. Item, we hald in haly wrytt
 that all ath or obligacioun suld be tane in the fassoun 25
 and entencioun that he that ressavis it understandis
 it, that is to say, he that it is maid to. As gif a
 man hechtis till his maister to pas with him to the
 haly grave, and, quhen he is redy, sendis efter hym
 to pas to the schip, and he say that he understude 30
 nocht that he suld pas be see, till sa fer a haly graf,
 and thare sa mony sa nere in the contree that may
 pas land gate; than quhethir this athe suld be under-
 standin be the entencioun of the makare, or of the
 takare. And treuly, I traist that it suld be tane be 35
 the entencioun of the lord that takis the athe, be all

lawis. For and ane ath or obligacioun suld be tane efter the entencioun and judgement of him that makis, than suld never promess na obligacioun bynd a fals man, na he wald get ane outgate. And thus say we,
 5 be oure lawis, that the sauf condyt suld be understandin at the intencioun of him that it is maid till, and nocht be his entencioun that makis it; or ellis he wald geve lytill traist in that sauf condyt, and nocht traist his persone in it, gif he suld nocht be
 10 sure in his againcummyng, and thare beyng, als wele as passing. And as for me and othir maisteris and doctouris, me think this the rycht oppin, and the best way, suppos, peraventur, men of armes will nocht hald this maner amang thame.

15 **H**ERE speris the doctour, gif a man that has a sauf condyt quhethir he may lede a gretter man na him self in his sauf condyt. As thus, ane Inglis knycht prisonare has sauf condyt of the King of Fraunce to the nombre of x personis, armyt or unarmyt, on hors
 20 or on fut, quhat estate that ever thai be; he fyndis ane othir baroun of England in a castell haldand the Inglis fay, the quhilk, undir confiaunce of his sauf condyt, he ledis with him till huntyng and hauking and othir disportis wenand that under his sauf condyt
 25 he may lede him as ane of his said nowmer. And sa passand to Sanct Denys in Fraunce, the Mareschall of Fraunce metis thame in the way, and takis the said baroun prisonar to him. And sa rysis noys and debatis apon that questioun: the knycht allegis till his sauf
 30 condyt for x persouns, sayand that the kingis sauf conduct suld sauf him: the Mareschall of Fraunce allegis for him that a symple knycht may nocht lede a baroun quhilk is grettar na he apon his sauf condyt. "For, sais oure lawis, for and I had gevin power to
 35 my procuratour in parlement to lede a process for me,

[Capitulum
lviij.]

Fol. 5a.

to ask ane hundreth frankis that is awand me, and I ask at ane othir man a thousand; suppos I have put in his procuracioun 'and generally all othir causis and dettis' zit may he nocht lawfully mak that peticioun of a gretare soum, bot gif it war contenyt under 5 his power of procuratour speciale. Alssua the king gevand 3ow powar be his sauf condyt to lede x persouns with 3ow in 3our sauf condyt, and 3e lede a gretare lord na 3oure self, than is that lord that is gretar na 3e under 3ow thare, the quhilk is nocht wele 10 sittand that a grete lord suld be in ony wis subdyt till a symple knycht. For sa 3ede ordour bakwart qwhen the less ledis the mare, for it war fer mare semely that he had 3ow under him na ye held him under 3ow." Than ansuerd the knycht, sayand that 15 he gais nocht under his sauf condyt, "bot under the sauf condyt of the king, he and all the lave that I have power to lede. And, sen 3e distruble me, 3e brek the kingis sauf condyt. And zit mare stark resoun; the king has nocht namyt the namys of the ten per- 20 souns that he gafe me sauf condyt for, bot quham that me lykit to tak in my nombre." And than said the Mareschall, "Gude Schir than mycht 3e lede under 3our sauf condyt the King of Ingland, 3our awin lard, our all the realm of Fraunce, for than mycht 3e nocht 25 say that the sauf condyt war 3ouris quhen a gretare na 3e passis be vertu of the sauf condyt. Bot nevertheles the contrair is suthe, for the sauf condyt is 3ouris under the quhilk may nocht be contenyt grettar na 3e lefully; quharfore I say the prisonare is myn." 30 Than is it to declare quha has the rycht. And as to that poynt, certaynly I say that the knycht may nocht lede the baroun under his sauf condyt. And that the baroun is, the Mareschallis prisonare: for treuly the writtyn law sais that under a claus of generalitee may 35 nocht be na grettare persouns contenyt na the princi-

pale maister to quham the sauf condyt is grauntit and
 gevin and his name thare in writtin. And this opynioun
 I traist thare is na man of armes that will say the con-
 trair; for it is thair plesaunce erar to fynd faultis na
 5 seurtee in all maner of sauf condytis and seurteis.

HERE speris the autour a questioun: gif a man be
 tane apon ane otheris sauf condyt, traistand in it that
 it suld sauf him and lede him seurlly to and fra his
 trystis, quhethir, in that cas, he aw to pay his ran-
 10 soun and quyte him out on his awin costis. As gif
 a capitane pertenant to the king of Fraunce wald tak
 on his faith to geve sauf condyt our all the contree
 of Gascoyne, and apon that condyt the Senescall of
 Bordeaux, quhilk is ane Inglis lord, traistand tharein,
 15 cummys till a tryst to lordis of Fraunce, to a citee
 callit Ageam, quhilk be the way is takin and led
 prisonare away with Franche men. Than is the
 questioun—quhethir gif the capitane be haldin to de-
 lyver him on his awin costis and expens. And as
 20 to that; it semys that he aw nocht to delyver him;
 for quhy, the Senescall suld nocht have bene sa
 nyce na sa symple that he suld traist that sik a
 symple capitane mycht geve him sik a sauf condyt
 quhilk mycht suffice him to pas throu the were men
 25 of the Kingis of Fraunce. Item, a wys man of were
 suld wele wit that a symple capitane suld have na
 power to geve sauf condyt bot for his awin propre
 company that is under him. And sa, sen that capi-
 tanis men has nocht tane him, quhy suld he diffra
 30 him or pay his costis? Alssua, the law sais that a
 sympil man may nocht geve privelege na fredome till
 a man of mare estate na he is. Than quhat privelege
 or fredome may a symple capitane geve till a grete
 lord to pas our the realme of Fraunce quhare he is
 35 na maister? Item, suppos the capitane wald obllis

[Capitulum
lix.]

him be his lettres obligatoris, ȝit may he nocht bynd
 bot for his awin folk. For it [is] ane obligacioun of
 na valour, to obliss a man till a thing that is our
 power till him. Bot be the custumes of the weris, a
 capitane may nocht traistly obliss him to diffray a 5
 lord; for it passis his power, and tharfore the obli-
 gacioun is nocht worth. Alssua the Seneschall, the
 quhilk aw to be a wys man, suld wele knawe that a
 symple capitane has na power to geve sauf condyt
 to na maner of man that is inymy to the king of 10
 Fraunce to pas throu his realme, but leve of the
 king, or of thame that has power of him in generale
 —as Lievetenand, Constable, or Mareschall. And
 sen he has tane sauf condyt of him that na power
 has, lat him stand till his hap and sett of as he 15
 may: him self is to wite. Bot ȝit will I nocht say
 na the capitane has the wyte in sum party that suld
 ger ony honourable man geve fiance or traist till his
 sauf condyt, wittand wele it mycht nocht suffice for
 sik a man. Quharfor, me think he aw to help with 20
 gude counsale and gude trefy at his gudely powar,
 to trefe gude concorde of resounable fynaunce and
 ransoun; and to help at all his power to mak his
 delyveraunce, bathe at the partyes hand and at the
 kingis and his counsale, sen he throu ignoraunce 25
 and symple gafe the sauf condyt, wenand it wald
 be obeyde. He was the mare till excus that he did
 it nocht maliciously. Quharefore, I can nocht say
 that he aw to pay his ransoun, na to delyver him of
 prisoun. And gif the Seneschall wald say that he has 30
 brokyn his lawis till him and his sauf condyt, and
 that he aw for to diffray him, I say nay, sen he
 traistit that his lettres had bene of valu, and his
 men was nouthir takaris na consentaris, na him self
 nouthir bot did all his powere to help to trefe his 35
 delyveraunce. And sen he mycht nane othir wayis

do, he is to excus be a reule of the lawis. Bot and the capitane had gert him traist that he had power of the king, or othir power hafand, to asseure him of all Franche men, and of that, had maid him
 5 promess be his faith. Than wald I say that he war fals and evill, bot gif he gert delyver him.

HERE speris the autour a questioun: gif that a man suld retourne agayn in prisoun apon his faith, traistand to dee in prisoun. As thus: a knycht lyis in a lordis
 10 prisoun for fault of frendis, the quhilkis tretis with the lord his maister that he wald alarge him for xv dais, to ga speke with his frendis for to mak his fynauce, and that within the said terme gif he content him nocht of ten ^m flurynis, he put him in his will to put
 15 him to quhat dede that him list but ony remissioun or merci, and tharapon he oblist him be his lautee and faith; and schortly to say the terme come and the fynauce nocht gottyn. The said knycht is in a difference: to enter to sauf his ath, or to absent
 20 him to sauf his lyf. Than is the questioun, quhethir aw he erar to sauff his lyf and brek his athe, or to sauf his athe and his honoure and tyne his lyf. And as to that, be oure lawis and be Haly Writt, me think he aw to enter agayn to his maister, and sauf his
 25 athe. For our lord God sais in the Ewangele, that we suld nocht drede him that has power to sla the body, bot we suld drede him that has power to sla the saule. Alssua, to save the lyf of oure brothir Cristyn, we aw to do all that we may but dedely
 30 syn. Bot sen the lyf may nocht be sauf but commissioun of dedely syn, than suld he erar autre the lyf na brek his ath. And 3it, nocht gaynstandand that syndry of oure maisteris sais that he suld put all in aventure and retourn to his faith, I say all
 35 the contrair; for trewly he brekis nocht his faith that

[Capitulum
ix.]

Nota.

Fol. 53.

changis it in a better. Bot sen it is better to delay
 the athe and pay the lord, na enter and he for brethe
 of ire mak end of the knycht. And be this resoun,
 for the law sais, *Quod juramentum contra bonos mores*
compulsum non est servandum. That is to say that 5
 ane ath aganis gude custumes and gude thewis of
 gude men compellit is nocht to be haldin na kepit.
 Bot ilke man wate wele that a man to obliss him to
 the dede is agaynis all gude custumes; quharfore it
 aw nocht to be kepit. Alssua be all the lawis, a man 10
 is nouthir lord na syre of his awin body na of his
 lyf na lymmis. Quharfore, sen thai ar nocht his, how
 suld he obliss him to the dede or to tynsale of the
 leste member of his body? For and a man demem-
 brit him self, the justice wald punys him mare cruelly 15
 na he had done it to ane othir man, for the grete
 inhumanitee of the dede. And rycht sa, and a man
 sla him self, God will fer mare cruelly punys him
 in hell na ony othir that justice slais and his body
 to the gebat and his gudes forffet. And thus has he 20
 na powere till obliss him to dede lyf na lym. And
 3it mare stark resoun: the Haly Wrytt sais that he
 that may sauf a mannis lyf and dois nocht, he slais
 him. And thus gif a man pass wilfully to consent
 till his awin dede, he slais himself, the quhilk he is 25
 nocht behaldyn to do, as said is. Quharfore trewly,
 I say he is nocht behaldyn to cum agayne till his
 entree, bot gif he war assureit of his lyf. Bot as
 langand the ransoun, that he aw to pay doutles. And
 of this opynioun is oure Doctoure Johne Andresoun, 30
 etc.

Nota.

[Capitulum
lxi.]

HERE speris the doctour: gif a prince aw to refus
 a passage throu his contre till ane othir prince for
 causis resonable. As thus the King of Fraunce has
 querele to mak were apon the King of Ungary for 35

certane rychtis that he pretendis, and thinkis to pas
 with grete power to that contree in all gudely haste,
 and to tak his way throu the landis of the Empire,
 throu Almayne, and specialy throu the contree of
 5 Hostriche, and tharapon sendis lettres to the Duk of
 Hostriche, schawand him his cas prayand him of
 passage and of favour of lyfing till his folk for the
 cost, and that he sall ger his folk sa graciously
 goverane thame in his contree, and throu his contree
 10 passand, that he salbe content of thair sobir and
 gracious governaunce. To the quhilk the Duke
 ansueris, that of sik weris he has nocht ado, na of
 the pass settis he nocht, na lykis nocht, bot gif he
 wald geve him hostage to reforme all harmes and
 15 scathis that suld be done throu his men in his
 contree of Hostriche for caus of the said passage.
 To the quhilk the King of Fraunce ansuerd that he
 aw nocht be na law of armes to do that, bot free
 passage but scathe to the contree suld nocht be
 20 denyit. The Duk of Hostreche allegis that he is a
 prince, and free in his contree, and na man aw to
 pas throu his contree berand armes in fere of were
 but his leve. And forthy he will nocht, but at his
 awin plesaunce, graunt leve to passe. Item the Duk
 25 allegis ȝit mare stark resoun that, suppos that he wald
 geve leve and gude will, it is wele to wit that sik a
 multitude of folk may nocht pas throu a contree but
 grete scathe doand; be quhat resoun than suld he
 consent as he sais till his awin scathe of destructioun
 30 of his contree, unmaid sekir to be amendit? And, to
 be sekir of this amendis, to geve gude hostage him
 thocht grete resoun. Nocht than the King of Fraunce
 ansueris sayand that he aw nocht be law of armes na
 othir lawis to geve nane hostage. And the resoun
 35 quhy is, for quhen ever ony prince passis for rychtwis
 caus and gude querele in fere of were he aw nocht

to be stoppit, bot frely to have passage throu all
 realmes but questioun, doand nane outrage na excess;
 and that he allegis be the law wryttin, sa that he
 pas curtasly, sen it is necessitee to be done. And
 3it mare stark resoun, sais the King, Faire schir, it 5
 is my purpos to pas throu the contree bathe curtaisly
 and suetely, nocht grevand na persone; and to pas
 throu the commoun way of passage maid and ordanyt
 for all maner of Cristyn man that lykis to pas in
 publyk maner. Quharfore, schir, gif law will that I 10
 have passage, lykis it 3ow that I have it? I requere
 3ow but ony hostage sen lawe levis it. To the quhilk
 questioun I ansuere 3ou thus: that treuly the King
 aw nocht to geve him hostage; bot be the rigour
 of lawe he aw to have passage as is said before. For 15
 the law canoun sais in the decreis that the peple of
 Israel maid were apoun the Amorreos, for caus that
 thai wald nocht geve thame passage throu thair contree,
 the quhilk is approvit be the lawis in the decreis as
 caus lawfull and resonable, sen thai maid offer to 20
 passe sobirly and curtaisly. And sen thai wald nocht
 geve thame passage curtas with gude will, thay tuke
 the passage of force, and maid grete were apoun thame,
 and passit aganis thair will. For, be all lawis, passagis
 commouns ar ordanyt till all creature that curtasly 25
 will pas, and be privilege speceale, suld be denyit to
 na man, for lufe naturale and cheritee requeris it.
 And 3it mare, sen it is the Kingis rycht way or
 passage to pas thare away to Ungary, And the Duk
 lett him of his voyage, the King of Fraunce may ask 30
 him his scathis of all his clamys of his voyage, and
 have gude caus and querele to mak were apoun him,
 be the title of fault of passage in lyke cas as did
 the peple of Israel apoun the Amoris.

HERE speris the doctour: gif men of haly kirk suld pay ony tailles or imposiciouns. As thus the Emperour will mak were apon the citeis of Lombardy; and be caus the way is rycht lang and fer, and grete costis
 5 requeris, he gerris mak tailles and imposiciouns apon all subjectes of the Empire: than is the questioun quhethir gif the prelatis of haly kirk that haldis castellis and wallit townis, and grete lordschippis of the Empire, quhethir thai aw to mak contribucioun to thir taylles
 10 and imposiciouns or nocht. And as to that mater, I will nocht mak lang process to the ansuere be caus that it is declarit in the lawis canoune clerely and playnly that prelatis na men of kirk aw nocht to pay tailles na imposiciouns to mak weris apon na Cristyn
 15 blude. And the resoun is, for it war to presume, and als it may be clerely provit, that thai war than participand and consentand to effusioun of mannis blude, the quhilk war aganis God and gude conscience, and mycht be caus and occasioun to mak thame irregularis.
 20 And mony othir unlefull thingis it suld inbring.

[Capitulum
lxii.]

Fol. 54.

HERE speris the autour gif that haly kirk may move were agaynis the Jowis, Goddis inmyes, or nocht. And be caus that we have before declarit quhethir haly kirk may move were aganis the Sarrazenis. Now we will
 25 declare quhethir it may mak were agayn the Jowis or nocht lefully and lafully. And first, I ansuere that it may be lefully and lawfully maid were aganis thame. For the law sais that we have nane samekle a fa, na sa evill a pestilence as a familier inmy. And men
 30 may wele wit and understand that nocht gaynstandand that thai ar under us, servandis and subjectis, zit ar thai oure mortall inmyes. Bot thai can na better do bot be in tribute under Cristyn nacioun; quharfore than may nocht, na suld nocht the pape mak were
 35 aganis thame and bataillis? Alssua the haly scripture

[Capitulum
lxiii.]

Nota.

sais, and men mycht fynd ony peple of ony citee that
 anournyt the fals goddis, and maid to thame sacrifice
 and oblacioun, and we mycht have knowlage tharof,
 we suld sla all that kynde of men, and bryn thair
 citee, that never nane ma of that nacioun suld be 5
 fundyn dwelland tharein sen thai had done samekle
 hurte and schame to the verray God, Jhesus Goddis
 sone of hevyn, oure Lord. And tharfore, sen it is
 suthe and certane that we know perfetely wele thir
 fals Jowis, quhilkis were the murtheraris of oure sover- 10
 ane Lord savyoure and redemptour of Cristin man,
 nouthir trowis perfetely in the rycht faith, na do thai
 till oure soverane Lorde honour service na observaunce,
 to the Haly Trinitee, na to the blessit virgyn Marye,
 bot expressly revyis thame, and dois all the vituper 15
 thai may to haly kirk and to the sacrament. Than
 quharefore suld thai be tholit, na men suld mak were
 on thame and destroy thame? 3it ane othir stark
 resoun is; for quhy the Jowis ar inmyes of the faith,
 and till oure soverane Lord Jhesus Crist and his dere 20
 moder the virgyn Mary, and out of the faith and of
 the grace of God, and subgettis to syn. Bot, be resoun,
 quhat favour or fredome, honoure or forbering suld
 ony man have, that war a subdyt to a king or a prince,
 and syne maid obedience and service, and maid pes 25
 with his inmyes aganis his fredomes but leve of him-
 self? Item; Jowis schawis manifestly that thai ar oure
 inmyes expresse. For nouthir ete thai of oure metis,
 na drink thai of oure drynkis, as of wyne, the quhilk
 is a takyn of evill will thai have till us, that thai wald 30
 have us all undone. Alssua ane othir resoun; for quhy
 that thai, but resoun or conscience nocht hafand tharof,
 ado with usuris and barat, subtilitee and trechery. In all
 the wayis that thai can ymagyne, thai fors thame nycht
 and day to begyle Cristyn folk, and to wyn fra thame 35
 with slichtis thair gold and gudis, and nouthir will thay

Off the
Jowis.

labour the erde to mak cornis na wynis, bot ay lyfis of
 the labouris of Cristyn folk, and with thame under trewis
 and tributis. And thus, throu suteltee and trychery,
 settis thame to conquest landis and heritagis fra Cristin
 5 folk, with wylis and falshede, to mak thame pure and
 disheris thame. Than wald I spere, for quhat caus
 or resoun suld sik folk be sustenyt amang Cristyn folk?
 Bot now as for ansuere to this questioun, I have oft
 said before, that oure Lorde, throu his benigne clemence,
 10 hye grace and mekle habundaunce of merci, desyris mare
 the conversioun of a synnare na the dede, sayand, *Nolo*
mortem peccatoris, sed potius ut convertatur et vivat.
 And alssua, he tholis nocht thair amendement na con-
 versioun anerly to cum be his grace and pacience, bot
 15 alssua of synnaris that ar Cristyn and has tane the haly
 sacrament of baptesme, bydis thair conversioun fra thair
 syn, and lennys thame lang lyf and sustentacioun, to
 geve us ane example to thole thame, nuris and sustene,
 in hope of confirmacioun, as mony and syndry ar ay
 20 turnand fra thair erreure to the Cristin faith and bap-
 tesme oft tymes, and alssua, he sais him self in the
 haly Ewangele that the tyme salcum that thare salbe
 bot a pastour and a schepe faulde, with a flok but
 divisioun; for all sall convert till oure faith. And
 25 jit mare stark resoun; thai ar tholit in remembrance
 of the passioun of Crist quhilk maid oure salvacioun,
 and to verify his sawe that he said to thame, that fra
 the halyest of all haly come in erde, thair unctioun
 suld than cess. And alssua he said that the septer
 30 wand suld nocht be away tane fra the princis of Jowry
 quhill the saynde of God, the quhilk was to be send
 fra the fader of hevyn, war cummyn, quhilkis bathe
 ar verifiyt in thame. And forthy ar thai tholit. Bot
 be caus thai may nocht to us harme, bot ar under
 35 Cristyn folk as bondis and slavis, men rekkis nocht of
 thame. Bot jit wate we wele thai hate us dedely, and

Nota de
Judeis.

lufis us nocht; and we lufe thame bot lytill, na dois
thame bot litill gude.

[Capitulum
lxiv.]

HERE speris the autour quhethir gif a man may
lefefully defend his wyf be were in dede of armes. As
gif a manis wyf war be evill men assailit of vilany, 5
quhethir hir husband aw to defend hir and mak were
apon hir distroublaris or nocht but leve of justice.
To the quhilk I ansuere 3ow treuly that he aw to
defend hir be armes but ony leve of court. And
thareto is allegit resoun that is lawfull, for quhy, 10
the injure that is done to the wyf is pertenant till hir
husband, and he salbe for hir part herd in juge-
ment, and have redress and reformacioun of lawe for
hir. Item; and gif a man fyndis ane unhonest foule
creature hafand conversacioun with his wyf, he may 15
avow it be the lawe to sla him furthwith for the
fylth of the syn of adultery, and he sall have na
punycioun of law tharfore. Bot and it war a persone
honest and honourable, he aw nocht to sla him.
Nevertheles and he saw or persavit him mak grete 20
repaire till his hous, and unlyklynes he mycht mak
him inhibicioun and exhortacioun to nocht mak sik
unlikly repaire, and gif he come thare atour, he
mycht sla him be the lawe, for sa is the haly sacra-
ment of mariage favourit be the lawe. For the man 25
and his wyf ar repute as to Godwart bot a flesch.
And God him self is the gardien of mariage, and
was borne under the umbre of mariage, and tharfore
biddis he in his commandement that na man desyre
his nychtbouris wyf, for the wyf is to the husband 30
haldyn ane of the conjunct persouns.

[Capitulum
lxv.]

HERE declaris the doctour how the ta brothir aw
to defend the tothir be were and in armes; as gif a
brothir fand folk invadant his brothir germane, he aw

to defend him. And suppos he slewe him that wald Fol. 55
 ourthraw his brothir, he sall have na punycioun thar-
 fore be law, na 3it alssua to defend his sister, for thai
 ar all conjunct persouns. For the law has regarde
 5 to the grete tenderness that nature gevis to the ta
 brothir to defend the tothir, or his sister, for sa sais
 the rycht lawis bathe of man and of God and nature.
 Bot it is mare doutous of the defens of othir cousynis,
 as germanis, or syk lyke thingis, quhilk ar nocht sa
 10 nere of blude, na ar nocht callit conjunct persouns.
 Nocht than oure maisteris the doctouris sais that men
 may lefully defend all thame that ar of oure propre
 consanguinitee, and to mak bataill for thame in thair
 defens rychtwis, as be the lawis we rede. And the
 15 resoun that thai pretend is this; he sais that quhasa
 dois me ane injure he dois it to my frendis. Never-
 theles, suppos be nature sum men wald favour that
 opynioun, 3it than he wald nocht be herd in juge-
 ment. And 3it a starkare resoun; a man may be the
 20 lawis defend his gudis temporale, and gif he be nocht
 of power allane, he may ask help of his frendis, and
 for that help do thame help ane othir tyme. And
 alssua gif a frende may help ane othir to sauff his
 gudis, be mare stark resoun he may help him to sauff
 25 his lyf. And 3it mare, gif ony man for ony crime
 war condampnyt to the dede, his frendis salbe herd
 in jugement till appele to ane hyar juge for his
 defens, for rychtwis defens is ay privilegit. And
 suppos he war nocht of blude syb cousingage, 3it
 30 suld be herd in jugement as frende for frende. Bot
 as lefand the opynyouns of oure maistris and doctouris,
 the quhilkis ar our subtil to understand, I say trewly
 that, and I saw men ourthraw my cousyng germane,
 beand in my presence, I aw to defend him as my
 35 persone, and sall nocht byde lawe, na have punycioun
 tharfore. Bot and the injure war done him or I

come and out of my presence, gif I past efterwart
 and tuke revengeaunce thare apon, it wald be callit
 before thocht felouny, and nocht defens. Bot as in
 my presence done, I salbe excusit to defend my
 frende, be all oure lawis. Bot and I persewit and 5
 folowit him efterwart, I suld be punyst, be the
 opynioun of all oure doctouris. And sen a man suld
 nocht be punyst in the first cas, to defend his frende
 in his presence injurit, sa is he nocht bounde to na
 subjectioun of law tharfore. For suppos a religious 10
 man wald sla my fader or my broder, and I, makand
 defens for him, slew the religious man or hurt him,
 I suld nocht be cursit. And rycht sa, say I, that I
 may do as langand my wyf, my brothir, my sister, or
 my sone or my douchtir. Bot I dar nocht say that 15
 I na suld be cursit gif I did it in defens of ony
 othir cousing ferrar of, as said is; for as be gude
 conscience we suld ga straytly in dede of oure con-
 science, for gif I be a kirk man, I suld nocht law
 the privilege of the kirk. Bot 3it have we till under- 20
 stand of persouns that ar in nathing behaldin till us
 of blude na lygnage, quhethir gif I may defend thame,
 but payne or punycioun of law. Touchand the quhilk
 debate thare is grete regarde and avis. For gif a
 man has send efter me, and feit me, for his gudis, to 25
 byde with him and kepe him, and to bere him com-
 pany. Trewly be the law I aw to do my body for
 him, and defend but clame of chalange of law, sa
 that the said defens be maid sone incontynent efter
 the injure. For efter that the injure war done, and a 30
 persone war stablist in his spiritis, and his blude
 caulde, than war it nocht defence, bot offens and
 alde fore thocht fede. For I do bot my dett to
 defend him in the tyme, sen I am feyt to bere him
 company and defend him. And than allsua, gif ane 35
 of my nychtbouris war assailit, I mycht throu per-

missioun of law help to defend him, and I mycht suppos that I had na wagis of him na hyre na company; for the law favouris for cheritee defens favourable.

- 5 **H**ERE speris the doctour, gif a baroun haldis of twa lordis his landis, and thai twa lordis has were to mak in syndry placis, to quhilk of thaim twa suld he mak
 10 erest service? As thus, put the cas that the Duk of Savoye haldis handis of the King of France, and of the Emperour of Almayne withall. The King of France
 15 has were apoun the Inglis men, and the Emperour has were aganis the King of Ungary. And bathe the King of France and the Emperour sendis him message on a day to cum to thair service. To quham suld we
 20 say he suld obeye? And as be the first visage it semys that he suld nouthir obey to the tane na to the tothir, and the resoun is for he may nocht pas in twa placis, and the law sais that thing impossible oblist na man. Na thare is na obligacioun worth that
 25 is oblist till impossible thing, and thus mon he byde at hame, sen the ta mandement stoppis the tothir, as be the lawis civile is clerely declarit. Item; oure Lord Jhesus sais that na man may serve wele twa lordis, bot he mon despis the tane, and thus is he
 30 excusit be resoun of impossibilitee. Bot, as it semys us be law writtin, he suld mak first service till him that he tuke first land of. Othir sais that he may help quham him lykis best. Bot as to lautee and equitee, we hald that he suld send till his last lorde,
 that he is last oblist to, his sone, or a chiftane, or capitane with sik powar as he mycht gudely. And he suld pas till his first lord that he maid first athe till, in propre persoun, and this I traist be the veray way, etc.

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lvi.]

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lxvii.]

BOT here speris he now, gif thai twa lordis that he
 haldis his landis of has were ilkane aganis othir, to
 quhilk of thame suld he crest pas till, sen he has ath
 of fidelitee to thame bathe? Off this sum haldis opyn-
 ioun that he may be with quham him best lykis, and 5
 be this resoun—thare is a law in civile that sais that
 gif a bonde be oblist to twa lordis, and thai twa lordis
 be in debate, he has fredome be the law to ga to thame
 that best him lykis. Bot as for me, I say that trewly
 me think be all gude faith and gude equitee, he suld 10
 do as is said in the chapter before said; that is to
 say, to send sum sufficiand man till his last lord with
 syk power as he mycht gudely, and pas in propre
 persone till his first athe and jurement of fidelitee.
 And as to the law that spekis of the twa bondis, that 15
 is understandin gif he cummys in presence quhare twa
 lordis debatis actualiter, he may ches him thare quham
 to him lykis crest to ga, and that he best favouris, and
 help him agayn the tothir. Quharfore it is gude to
 lordis to do wele to thair men that thai be lufit of 20
 thaim, to set lyf and gude for thame in tyme of nede.
 For sen the pure man seis he may nocht send his
 procuratour or depute to help the tane, and ga in
 persone to the tothir, the tyme is sa schort he may nocht
 be avisit to sett remede. Quharfor he chesis quham 25
 he lufis best, and helpis to save him. Bot sen the
 tothir has laiser to be avisit, and to set his substitute
 with the tane and him self with the tothir, me think
 he suld do it.

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HERE speris oure autour, gif a burgeis be burgeis in 30
 twa syndry citeis the quhilkis makis were on othir,
 quhilk suld he help? As gif a man war burgeis in
 Paris and in Coloyne sur la Reyne. And in every
 somer sesoun held in the tane, and in the wynter in the
 tothir, and had heritage and merchandice in bathe; to 35

the quhilk suld he help in thair necessitee of weris? To
 that questioun I say as before that he aw in proper per-
 sone to byde with his first faith, and send his sone or
 his substitute to the tothir, to kepe lautee in bathe the
 5 placis at his powere.

HERE speris the doctour, gif a bonde may be con-
 streynit to pas in were quhen it lykis thair lorde. And
 as to that, trewly I say Yha, that he may be constreynit.
 For thai ar oblist to serve thair lord at his will ande
 10 lyking, efter the decrete of all the lawis, sa that thai may
 do that lefully and laufully. Bot thare is few of sik men
 in Fraunce, bot in Lombardy and in Avignon thare
 is mony, and in Arragoun. Bot thare is a maner of
 bondis callit libertouns, the quhilkis ar under certane
 15 condicioun of bondage to mak certayne labourage on
 the felde, bathe on cornis and wynis, and nocht ellis.
 And as of thaim, I traist thai may nocht be constreynit
 to pas in weris. For efter thair nature and condicioun,
 men may nocht mak new fassoun of servitude, na subjec-
 20 tioun langand syk kynde of men.

HERE speris the doctour, quhat folk may nocht be
 compellit to pas in weris. And as to that he ansueris,
 sayand that men of age passit date of lx 3ere, seke
 men, blynd men, def men, dum men, wood men, our
 25 3ong men that may nocht bere armes. Bot and a man of
 grete age war othir wayis prouffitable, as to be of gude
 counsale and conduyte of weris, 3it traist I that his
 prince mycht compell him to be with him, and geve him
 gude counsale and othir help. And alssua as of a dum
 30 man, and he war stark and sturdy, and mycht wele bere
 armes suppos he coud nocht speke, 3it mycht he be put
 in gude conduyte and governaunce of otheris, and do
 grete gude. Quharfore, and it plesit to the prince, he
 mycht wele passe. Bot as for women, certayn, albe thai

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lxix.]

Nota. never sa wele witty na hardy, thai suld nocht be compellit to the weris, all war thai never sa mighty, bot wele may thai be compellit to send thair folk, with a substitute or a chiftane or capitane.

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lxx.]

Nota.

HERE speris the doctour, gif a man has bene 5
woundit be ane othir, and he folow him efterwart, and
dyng him rycht wele, quhethir sall he be punyst tharfore
or nocht? To the quhilk me think that nay, that he awe
nocht to be punyst tharfore. And the resoun is for he
has nocht past the termes of just defens, for sen he has 10
woundit and hurt him, he has done rycht, sa till him law
will nocht that he be punyst. For suppos in his defence
he had slayn him, law wald have haldin him excusit.
Item; quhat that a man dois in hete of brethe of ire
suld excus him that dois it. Item; he has done this 15
revengeaunce durand his breth and hete of blude. For
had he bydyn quhill on the morne, he mycht nocht have
bene excusit. Bot the law civile is in the contrair of
this, sayand that, sen he fled quhen he had hurt him, he
suld nocht have folowit him till hurt him fleand. Bot 20
nocht than, the law will that he be punyst that hurt him;
bot in quhat maner of quhat punycioun, that is in the
opynioun of the doctouris. Bot as I traist he suld be
bot favorably and graciously punyst, sen it was sum part
in his defens, and for caus maid, and that he was in his 25
hete. Car lez philosophez dient que lez premieres
movemens ne sont pas en notre puissance, etc. The
philosophoris sais that the first movimentis of man is
nocht at his power to resist; and this opynioun haldis
doctouris, sayand, alssua, that had he slayn him in the 30
place quhare he set on him first, he had bene excusit be
the lawe, and suld have had na punycioun tharfore.
Bot sen he pursewit him efterwart quhen he was fleand,
sum punycioun suld he have. For than had he gude

rycht; and presumpcioun of defens of his lyf gert him sla him. For law levis erar to sla na to be slayn.

HERE speris the doctour a questioun: gif a bonde makis homycide or slauchter be the commandement of his lord, gif he aw to bere punycioun. As thus; a lorde has a wikkit wyf of evill nature, he tellis till him ane of his chief bondis quhilk is a stark man, and chargis him under payne of his lyf to sla his lady his wyf, or ellis doutles it sall cost him his lyf. Than speris he, quhethir, gif that bonde slais the lady for drede to tyne his lyf, quhethir gif he sall bere ony punycioun tharfore in jugement. And as tharto it semys that he suld bere payne and punycioun. For the writtin law sais that a bonde suld nocht do for his lord thing that is dedely syn, bot sen slauchter is dedely syn, it is clere thing that he suld be punyst tharfore. Item; the lawe sais it is better all the evill of the warld to suffer na to consent to do dedely syn, and sa, to kepe this mortale lyf of his body that sa schort quhile lestis, he suld nocht consent to the syn of the slauchter of the lady. And tharof, lo, here the first resoun. For sen he may nocht othir wayis endure na eschape the dede, he settis him to fulfill his maisteris bidding, and tharfore has he na charge, bot the charge all hale lyis apon his maisteris conscience. For the law sais that gif a man wald sla ane othir, and he may nocht othir wayis eschape the dede bot to sla him, than trewly he is excusit be the lawe to sla him gif he may, and sall have na punycioun tharfore na charge of conscience be the lawis. And jit ane othir opynioun sais that, sen the lorde is in sik will to the slauchter of his lady gif the bonde may sla hir, and he will settis by the dede of the lady, and anteris his awin lyf, he dois efter ane of the dedis of cheritee, that erar he puttis his awin lyf in

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lxxi.]

perile na to sla the sakeles lady. And as of thir twa
 opyniouns, we suld consider the payne civile of the warld.
 We wald count it lytill in the regarde of the perpetuale
 payne of the tothir warld. And thus traist I that the
 last opynioun is best, considerand the innocence of the 5
 lady that has nocht maid caus of dede, suppos the lord
 hate hir, and till him to sla ane innocent persone but
 caus, I traist he synnis dedely, and suld pas till hell and
 he deide in that estate but redempcioun. For thare
 suld nane obedience be maid till his lord agayn the com- 10
 mandement of God; bot he suld obeye till his com-
 mandement that sais, Non occides ne occies ponit,
 sla nocht be the haly faith. And gif it befell that his
 lord slew him forthy that he wald nocht sla the lady,
 I say he deis verray martir and gais till hevin but ony 15
 drede, for all the faith is in the commandementis foun-
 dit. Thus kepand Goddis bidding, gif he be slayn he
 deis for the faith, and sa is he martir.

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xxii.]

HERE speris he, quhethir a bonde aw to defend him
 fra his lord. As thus, gif a lord has a bonde to quham 20
 he makis commandement to do thing that is agaynis
 God and gude faith; and to this the bonde sais he will
 nocht do that thing, for the quhilk inobedience the lord
 wald sett on him to sla him, and he defendis him;
 quhethir gif this defens be resounable or nocht. And 25
 as to that, it is lyke that he suld nocht defend him, for
 be the law the bonde aw rycht nocht to do, but leve of
 his lorde, and sa, be the law, he aw till obey him, and
 nocht defend him, na rebell till him. Bot nocht gayn-
 standand this resoun, we say the contrair, for, be the 30
 lawis, a lord aw nocht to sla his bonde, be law naturale,
 and a lorde may nocht tak fra his bonde it that him
 efferis be law of nature. Bot clere thing is that, be lawe
 of nature, all man is behaldyn to sauf his awin lyf, for
 all creature naturaly resistis to the dede. Quharfor, gif 35

his lord wald tak the lyf fra him, but drede he is behaldin to defend him, and to revenge his dede at all his powere agayn him that wald sla him. Item; mare stark resoun, for, gif a man gaynstude nocht his dede,
 5 and revengit him agaynis him that wald sla him, we wald say he war consentand of his awin dede, and than war he homycide, and man slaare; and, be the law, aw to be put to dede for his consenting till his awin dede, and he defend him nocht. And sa suld he bathe be
 10 condampnit efter his dede, and thus forffet he bathe the body and the saule, in syk like cas as he had slayn him self. Quharfore we conclude that lawfully he may defende him.

HERE speris he ane othir questioun; quhethir gif ane
 15 abbot wald slaa ane of his monkis, quhethir aw he to defend him agayn his abbot, and to revenge him. To the quhilk he ansueris, first that nay, he aw nocht to do it, for sik men as monkis ar repute as dede fra the world away, as sais the decreis and the civile lawis.
 20 Bot clere thing is, but questioun, that be all lawis a dede man suld mak na revengeaunce, and sa than suld nocht a monk defende him. Item; we say be the law that a monk has na self will, bot anerly the will of his abbot that he ordanis him. And than apperis it be
 25 law clerely that he suld nocht rebell him, na gaynstand him, na revenge him that aganis him, but his leve and gude will. And it is wele to trow that agayn him self he will nocht geve him nouthir leve na gude will, to revenge agayn him. And tharfore as to this debate,
 30 we think that gif the abbot wald outhir ourthraw his monk, and schape him to dyng or sla, and the monk mycht nocht othir wayis escape the dede, he aw of law naturale to defend him aganis his abbot, or ony othir persoun that wald put him to dede, but ony leve na
 35 consent of ony persone. For quhy, law naturale has

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 lxxiii.]

grauntit that privilege till all creature naturale, to gaynstand and resist to thair undoyng. And alssua all the lawis of the warld accordis thame thareto. For we se naturally all kynde of beste or foule that is formyt be nature, that naturally thai defende thame self at thair power 5 and strenth. And than, quhy suld nocht a man that has resoun and knaulage resist and gaynstand his dede?

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lxxiv.]

HERE speris the doctour ane othir questioun; quhethir gif the sone suld defend him agayne his fader, gif he wald sla him, and be law we think nay; 10 for quhy, be the law civile the fader has his barnis all under his power and cure; for quhy, he may do quhat he will with thame. Item; the lawe levis the fader for certane caus and resouns express in the law to sell his sone, than als wele may he sla him, or ony othir wys 15 that him lest do with him. Item; oure Lord in the alde testament gevis a clere ensample till us that we may mak sacrifice of oure barnis, as he maid commandement till Abraham that he suld do with his sone Ysaac, and techit him all the facioun as is contenyt in the 20 bible. Item; it is clere thing that the sone suld be chastisit be the fader, na aw nocht the sone to revenge him aganis his fader. And as to this questioun, treuly the fader may bathe sell and wedsett his barne for certane caus, and alssua chastis him mesurably. 25 Bot and he war sa cruell in his chastisement that he wald excede mesure to sla him, and he mycht nocht flee fra his fader, na othir wayis eschape, I say, treuly he awe to save his lyf and defend him, and revenge him agayn his fader. And the resoun is this; for the rycht that the 30 fader has atour the sonne cumis de jure gentium, that is for to say, of the law of the peple, that is nocht law natural, bot of law civile, and mannis law maid be mannis wit. Bot the lawe of defens of a mannis person cummys of the law of nature, to the quhilk thare is na 35

law of man that may mak prejudice ; for law of nature is the lawe of God, the quhilk is hede and principale of all lawis.

HERE speris the Doctour, gif a man may rychtwisly defend him fra his juge and aganis him. And as be the first visage, it is sene that nay he awe nocht to do it. For the lawe sais that a man aw nocht to defend hym agayn his juge. Item ; the law canoun sais in the decreis that he that makis resistance aganis his juge he makis aganis his God, the quhilk has ordanyt bathe juge and justice to be. And thus suld na man gaynstand him in sa fer as he dois rychtwisly. Bot here as to this questioun I ansuere as before, that gif a juge wald be way of dede, and nocht be way of lawe, sett him to ourthraw a man wrangwisly, and he mycht nocht othir wayis eschape the dede, na mycht nocht flee, in that cas he may lefully and laufully defend him. And nocht gaynstandand that a glos of law civile sais the contrair, zit treuly, as be the law of nature quhilk is unmutable and unvariable, and foundement of all lawis, I say he may defend him lefully, and sauf his lyf again his juge and he wald invade him be way of dede. Bot saufand a mannis lyf, he mycht get remedis, alset his juge wald wrangwisly ourthrawe him. For he may appele to the soverane court, and get resoun and law of the judge, suppos he had done him wrang, etc.

HERE speris the doctour, gif a man, banist out of a realme, war fundin agayn cummyn in the realme atour his bannysching, and men wald sett on him to tak him or sla him, gif he mycht defend him resonably and lefully, or nocht. And as to the first visage, he previs that nay, he aw nocht to revenge him. And be this resoun, for the lawe sais that men suld nocht gaynstand till a rychtwis violence. And sen this is clere

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thing, that be law he may outhir tak him or sla him, quharfore he aw nocht to gaynstand him. For suthe it is that the prince has gevin bidding and power to all persone that may our tak him to tak him or to sla him with force or violence; and this power is gevin 5 generally to all publyk persoun, that is to say, all commoun officer. Bot in this cas, quha ever may be maister, our him is a commoun officer to the king, be his cry. Quharfore he aw nocht to defend him aganis his takaris. Bot as langand this mater, quhat ever 10 thing that thir doctouris sais, the quhilkis assignys mony resouns and subtile argumentis, I say, nocht gaynstandand all thair argumentis, that the man is behaldin to defend his lyf, and aw to sauf him fra the dede bathe lefully and lawfully. For suld he cowardly 15 ly doune and lat thame sla him than war he bathe caus of his dede corporale and spirituale. Bot 3it say I nocht na and he slew ony man in his defence he suld be punyst as man slaar, sen he was be justice bannyst the contree. Bot and he mycht eschape fra thame, but 20 prejudice of his lyf, he suld nocht sla his persewaris. Bot for to sauf his lyf, gif he mycht na better do, I say treuly that, and thai wald sla him, he suld defend him. And erar gif ony suld be slayn he suld sla na be slayn.

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lxxvii.]

HERE speris the doctour; gif a preste be assailit be 25 his inmyes, berand Goddis body on him till a seke man, quhethir he aw to lay fra him the sacrament and defend him be were defensable, and leve in perile the seke body but sacrament to dee in perile of his saule; he beand redy to geve the sacrament, thai 30 strike on him. And, suld he geve the sacrament, he tynis his lyf; and, suld he nocht geve the sacrament, the saule is in perile of the seke man. And as to the opynioun of doctouris, trewly, thai say, that better war to the preste to geve the sacrament to the seke 35

man and sustene the dedis woundis, na to put the saule in perile, and defend. The resouns quhy ar thir: the sacrament of the altare is necessary to the salvacioun of man. Than, gif the seke man gettis nocht his sacrament,

7 5 his saule is condampnyt perpetually. Bot we say all that, for to sustene the temporale dede, men suld nocht ger a persone be dampnyt perpetually. Than suld the chapel-lane erar sustene the dede na to ger the seke manniss saule be condampnyt, and to tak it in pacience for the

10 lufe of God and for charitee. Item, be the lawis of God, a man suld lufe his nychtboure as him self. Bot than gif he lufis better his awin lyf na his nychtbouris saule hele, he kepis nocht the commandement, for, doutles, thare is na man bot he wald his nychtboure

15 sett his temporale lyf to save his saule that othir wayis suld be perist and dampnyt perpetually. Quharfore he suld do as he wald his nychtboure did till him, or ellis he dois nocht efter the haly writt of the grete commandement of the lawe; that is to say—lufe thy

20 God our all thing, and thy nychtbour as thy self. Item, the wryttin law sais that quhen twa evillis concurris togeder, than suld wis men tak the leste evill of the twa. Bot, sen less evill is the temporale dede na the spirituale, the preste suld erar will that na his awin

25 lyf. For sum tyme mon he dee, and to dee wele is grete grace and faire fortune, bot he that deis in sik cas deis with God, and his saule is sauf, and deis wele for charitee, and gais in paradis; and thus he suld erar ches the dede, na to leve God and the seke man, and

30 to defend him be armes. And here as to this opynioun, certaynly it ples nocht men. For quhy, this opynioun haldis that gif a man deis, nocht ressavand the Sacrament of the altare, that he is dampnyt, the quhilk opynioun is nocht suthe, for mony haly men ar decessit

35 in the Cristyn faith, nocht ressavand at thair ending the body of God. For thare was nane bot untreuthfull

men that was thair tormentouris to geve thame the sacrament, as Sanct Petir, Sancte Paule, Sanct Johne, Sanct Androw, Sanct George, Sanct Stephan, with mony a thowsand haly men, as hermytis and otheris, that had fled fra the tyranny of wikkis kingis and Emperouris, and lyvit in desertis quhill thai war dede, and nouthir spak with preste na clerk na tuke sacrament; and ȝit wate we wele thai ar haly sanctis in paradys, be the grete and unnowmerable myracleis that thai have maid sensyne in this erde. Bot, nevertheles, I say nocht na to mannis saule hele the sacrament of Goddis body is necessarie and spedefull. Bot, gif thare war ony mystrowand men, as evill Cristyn men, that mycht tak it and thai wald, and has bathe kirk, and preste, and sacrament, and redy service at his awin commandement, I say, and he tak it nocht, he is condampnyt, gif he levis it untane for despising of the sacrament, as dois Jowis, Lollardis, and unfaithfull men. Bot suppos a faithfull man be oursett, and our thrawin with sudayn dede, and fayn wald have it and he had laiser, as be see or be land, with thevis or rebaris, or in bataill, or sudayne passioun of dede our tak him, he sall nocht be forthy condampnyt, suppos he tak nocht the haly sacrament of Goddis body. And tharfore say I that this sacrament is nocht necessaire in the last day to mannis salvacioun, sa that he be othir wayis ferme in the treuth. Bot, as belangand the sacrament of baptesme, that is necessair but ony were. For but baptesme may nane be savit, as be the new testament. And in lyke cas as of the sacrament, I say of the baptesme. For gif a new borne barne war in perile of dede, and a preste was in the place redy to geve him the haly unctioun of baptesme, and his inymys come on him to sla him, and that thai pressit him sa nere that outhir him behufit to be slayne or ellis to leve the barne unhovin; certainly, I say that

he suld erar tak in pacience the dede na to leve the
 barne unbaptisit. For, as othir tymes we have said,
 it war better the temporale dede na the spirituale: for
 the ta way is salvacioun to bathe the saulis, and in the
 5 tothir cas the saule of the tane is tynt. And this is
 the opynioun of oure doctouris, be a chapter in the
 decreis callit Duo mala, etc. And thus is less evill the
 prestis dede, that is bot a lytill scathe sen his saule is
 sauf, na the tynsale of his saule for his negligence, and
 10 the barnis saule bathe.

HERE speris the doctour, quhethir gif be way of mark
 a man may be enprisownyt that maid na caus of evill;
 that is to say, gif that, quhen a man of the realme of
 France may nocht get law na resoun of a man of Pro-
 15 vince that haldis his gudis wrangwisly fra him, he gettis
 a lettre of leve to tak ony man of that contree, mar-
 chand or othir, that he may ourta, and haldis him
 prisoner quhill that gude be payit agayne till him. And
 thus may men move were, to ger resoun be done to men
 20 that wrangwisly haldis othir mennis gudis in strange
 realmes quhare law may nocht be gottin of thame.
 Than is this the questioun; quhethir sik leve may be
 levefully gevin be a king, and were tharefore maid, etc.
 To the quhilk mater, we say that this thing is nocht in
 25 oure lawis commandit na ordanyt to be done. Bot
 quhilom it is tholit, suppos it be rycht hevy to thole be
 the lawe that ane innocent man that maid never caus of
 evill suld be punyst for ane otheris trespas, the quhilk
 may never be tholit be gude lawe na resoun, bot it is
 30 condampnyt be lawe as thing unresonable. Bot justice
 has ordanyt that, gif a man of Paris has askit justice at a
 man of Florence before a competent juge, and he think
 that the juge wrangis him in his jugement, and dois him
 nocht rycht law na justice till his our man, he suld ap-
 35 pelle, and ask that fals jugement to be annullit, and new

[Capitulum
lxviii.]

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sentence to be gevin for his rycht of that hyar juge.
 And, gif that hyar juge dois him na rycht, he sall appele
 to the king, and he sall ger do him lawe and redress of
 that fals jugement. Bot to say that a gude lele man
 suld be destroyat for othir mennis dede, trewly me think 5
 it na resoun, na I can fynd be na lawis to defende that
 opynioun. Bot sen it is a thing brocht up amang lordis
 and men of gude townis, we may mak sum colour thar-
 apon to cover the custume that the lordis and otheris
 has brocht up in that mater. As gif, for caus that a 10
 merchand of Ingland has dissavit ane othir and cummyn
 and duellis in Paris or in Flanderis, the king gerris ar-
 reste that man, and put him in prisoun quhill that thing
 be amendit and payit: as gif ane Ynglish man hatit a
 merchand of Ingland, and he wald get a grete soume of 15
 his gude, and cum and duelle in Bruges or Danskyn,
 and the king of Ingland wald ger arreste the merchandis
 of Flaundris in London quhill that mannys gude war
 restorit agayn, gif nane othir law could be gottyn and
 rycht sa of Dancekyn; or gif a merchand off France 20
 wald begyle ane othir, and pas in Ingland, wenand, for
 caus of the weris, to be haldin thare and nocht do
 resoun, and the King of Fraunce rycht sa gert arreste in
 Bruges or in the Rochell the Inglis merchandis quhill
 that fault war amendit. And trewly this is a poynt of 25
 fors and of were, for in law writtin we fynd it nocht;
 forthy it is commendable that a prince fynd lawis of sub-
 tiliteis to ger law and resoun be done quhare men fleis
 the law, and sett remedis till all new weris of wrangis
 that cummys dayly before him in his court, sa that he 30
 and his counsale be prisit and honourit, and has los for
 the grete justice and equitee that cummys fra him till all
 men.

{Capitulum
 lxxix.}

HERE speris the doctour, how and in quhat maner
 suld marc be gevin? That is to say as thus, thare 35

cummys before the Emperoure a man sayand that, as he come with his merchandice fra Myllan till Ast in Almane, thare was tane fra him x^m pecis of golde be the Duk of Savoyes men, marchandis or othir, of the toune of Geneva; and thare fyndis the counsale of the Emperoure that thare is a man in Ast in Almayne that aw till a merchand of Savoye duelland in the toune of Genever x thousand ducatis, the quhilkis thai arreste, and puttis in the hand of justice quhill thai gudis be restorit agayne
 10 that was tane fra the merchand of Ast. And thus, be the way of punycioun of innocent men that maid na caus of evill, the princis mon pratik the granting of mark to ger resoun be done. Than at the request of that innocent marchand of Genever in Savoye, the Duk of
 15 Savoye gerris spere and inquire straitly quha has maid this ref or distress, and fyndis the doaris and punyis thame rycht wele tharfore, and thus be unrychtwisnes cummys quhilum resoun that ellis wald nocht cum. And thus suld kingis or princis here the parties resouns
 20 —that thai had gude faith for thaim—or he grantit lettres of mark, and for quhat occasioun he sperit the resouns first, that it war nocht throu subtiltee of malice, but gude faith, or gude occasioun and lyklynes of gude faith. And this is ay understandin, gif thai lordis of the
 25 justice defendis maliciously the ref, and is nocht wilfull to mak reformacioun and redress, and 3it suld a prince, or he geve lettre of power to tak mark, he suld wryte to the lord of that place or to the justice, and declare thaim the wrang, and ask first law and resoun. And gif na
 30 law coud be gottyn, than is the mark to be grauntit resonably, gif thai will nocht do justice, etc.

HERE speris the doctour, how suld mark be gevin aganis a citee that has na lord na soverane prince atour thame, that thai avow till, bot thame self? As, gif the
 35 citee of Florence has grete soumes of gudis of a mer- [Capitulum
lxxx.]

chand of Paris, how suld mark be grantit thereapon
 agayn the citee of Florence? For as before said is, men
 suld first pas with lettres of instaunce, askand first jus-
 tice at thair lord and soverane. For nocht gaynstand- 5
 and that thai aw of rycht to be obeysand and subjectes
 to the Empire, zit do thai it nocht, na will nocht obey
 till him in na maner of wis. And to say that a noble
 marchand of Paris suld pas before thair Potestate of
 Florence, to ask resoun and move plede before him
 that is a soutare, or a skynnare, or a tailloure, quhilk ar 10
 sa full of pride that thai were the gold and the sylk, as
 thai war the knychtis or grete lordis! Trewly, I traist.
 thare suld be small redress, and bot ane unproufitable
 plede, considerand that it is a man of the self tounne that
 has the gudis. And this is the questioun than, quhat 15
 sall the King of Fraunce do to this merchand that askis
 him lettre of powere of mark? Certaynly, me think, gif
 the king has na were opin agaynis thame, he suld first
 wryte to the Potestate of Florence, and tell him the cas,
 and ask him reformacioun and redress be lawe and jus- 20
 tice: quhilk gif he dois formabily, the king aw to be
 content. Bot and the king war sufficiently informyt that
 he did bot scornyt the merchand, and mowit the lettres
 of the kingis, and did na lawe, na maid na redress, sen
 thai have nane othir soverane, as thai hald, bot ar lordis 25
 in thame self, than suld the king graunt lettres of mark
 aganis the Florentynis, that quhare ever thai mycht be
 ourtane within the boundis of Fraunce, that thai war
 arrestit and thair gudis, quhill the merchand of Paris
 war content bathe of the principale, and of the scathis 30
 and costis. The quhilk occasioun is imput to the
 Emperouris, that the foresaid citee is nocht obeysand to
 the Empire, for and the Emperouris did thair dett thai
 suld ger it obeye as othir dois, etc.

HERE speris the doctour, gif ilke lord may geve lettre
 of leve to tak mark, as lordis, symple lordis. To the
 quhilkis he ansueris schortly, that nay, nocht ilke lord.
 And the resoun quhy he assignis, sayand that mark is
 5 in sum part haldyn as a kynde and maner of were. And
 sen na man, lord na othir, may nocht juge were to be
 movit princis, thare may na lord na othir juge geve
 lettre of powere to tak mark, bot anerly princis and
 kingis that has na soverane lorde abone thame in that
 10 part, bot be caus that, as the warld is now governyt, Fol. 6a.
 mony has jurisdiccioun and seignoury be way of dede,
 and nocht be way of lawe, and takis to thame bathe
 jurisdiccioun ryale and imperiale, suppos thai have bot
 lytill evin. Bot as to the king of France, he may and
 15 aw to do and us all powar and privilegis ryall and
 imperiale, but prejudice of the Empire, na that man may
 say that he occupyis ony fredome tharof.

HERE speris the doctour a questioun apon this [Capitulum
 mater precedand; how it may be sustenynt that the lxxxii.]
 20 king of Fraunce has na soverane, na that he is in
 nathing subject to the Empire. Than mon we se
 be quhat resoun it aw to be sa. For first and for-
 mest, I sall preve that he aw of law and resoun to
 be subject. For the writtin law sais that in all this
 25 warld thare suld be bot a lord and a prince allan-
 erly. Than mon that be on nede force the Emperour,
 for he is and awe to be king of kingis, and soverane
 atour all erdly kingis and naciouns of the warld. And
 forthy the lawis writtin callis him prince and soverane
 30 lorde of all the warld. And specialy and expressely
 all the lawis civile sais that all the naciouns that
 ar in this warld, bathe Cristyn and hethin, Jowis and
 Sarrazenis, and all othir mistrowaris creaturis ar all
 subject to the Impire, and with that, all the princis

of the warld rycht sa ar subject to the Emperoure.
 Ande tharof makis nane excepcioun, nouthir of the
 king of Fraunce nor nane othir lord of all this warld.
 Item, leȝ loȝ dient—Alssua the lawis sais that the
 grete God of hevin maid twa lumynaris in the hevin 5
 that ar callit the grete lumynar and the small lumy-
 nar, the quhilkis are the sonne and the mone, that
 illumynis all the warld; that is to say, the sonne
 apoun the day, and the mone apoun the nycht, as to
 the comparisoun of the quhilkis, he has maid twa 10
 grete princis in this warld to the governance of the
 warlde, the quhilkis ar the twa grete digniteis as ar
 the pape and the Emperour, the pape apoun the day,
 that is to say, to schyne in governaunce of spiritu-
 alitee of oure saulis and of the Cristyn faith, and 15
 of all the governaunce of the haly kirkis, ande the
 Emperoure to be governour of all erdly temporale
 mundane thing; off the quhilkis twa digniteis thare
 is grete langage maid in haly writt, sa that na man
 may deny na this is suthe autoritee. Than, sen be 20
 the ordynaunce of God thare is bot the twa suerdis,
 the quhilkis oure lord said in the tyme of his pas-
 sion sufficit, how may than be sustenyt that the
 king of Fraunce be nocht subject to the Empire?
 Item, ȝit a stark resoun; we se in all governaunce 25
 of all thing that is in this warld, we se a hede and
 principale governour. For quhy, be way of nature
 bathe and of gude governaunce, thare is ay in plural-
 itee confusioun. And namely in pluralitee of princis,
 for, as sais oure autour—the soverane philosophour 30
 Arestotill, pluralitee of princis ar all evill, and thar-
 fore suld thare be bot a prince. As gif a bataill
 war sett, and thare war mony maisteris and princis
 governand, bot gif thai obey all till a hede, it is
 sene oft tymes nocht wele cum to propos. And gif 35
 in the governaunce of ane houshold thar war na

cheif, trewly, quhen the hede scule failis, the governaunce efterwart is sene full small. And alssua, be thare nocht a patroun in a schip, to quham all an-
 suere and obeye, the schip is nocht lyke to cum to
 5 gude havin. And as to this, oure lord God gave us
 ane ensample quhen he led his peple in the desertis
 and fed thame with hevinly fude, ȝit maid he a prince
 and ledare of thame to governe thame—that was
 Moyses, to quham he gave anerly the governaunce,
 10 quhilk was hede. And with this he gave ane othir
 ensample quhen he gave the governaunce of Archa-
 Noe till Noe, and maid him chef hedisman to gov-
 erne the schip. And thus callis all wys men the
 rycht governaunce of wit and wisdom. And thus
 15 gif that all wys men, the princis of the warld, con-
 formyt thame nocht to God in this cas, it war nocht
 lyke that thai folowit the trade of oure lord, quhilk
 all his accioun was oure instructioun. And all writtis
 of prophecy, and lawis of the faith and the Ewan-
 20 gele was writtin for oure doctryne and teching *Quia*
omnis Christi accio est nostra instructio. Et omnia
quecunque scripta sunt ad vestram doctrinam scripta
sunt: for all his writtis and all his werkis was for
 oure instructioun and teching. And gif it war sa,
 25 that every man suld lyve efter his appetite and singu-
 lare desire, the warld suld nocht be wele governyt.
 For efter the condicioun of the peple quhilkis ar sum
 wele, sum evill inclynde, sum wald do justice, sum
 injure, sum greve his nychtbouris but caus, and preve
 30 to be a passe maister, sa that, bot gif thare war a
 soverane to quham all men suld have recours to sett
 remede of lawe, all the world wald worth to nocht,
 but reule of gude governaunce, quhilk war agayne
 the Makare Almychty. And nocht gaynstandand that
 35 thir resouns ar stark and gude, ȝit will we say sum
 thing for the tothir party, and that the king of

Fraunce is in nathing subject to the Empire, to the
 quhilk approbacioun men sall fynd gude resouns and
 mony in ane othir place of this ilke buke, suppos
 it was put thare till ane othir purpos. And here the
 resoun, in the quhilk he foundis him. For quhy, suthe 5
 it is quha will seke the begynnyng of the inhabi-
 tacioun of Fraunce thai sall fynd that the Franch-
 men are cummyn of the grete Troye. For as the
 storyes sais, quhen the grete Troye was destroyit,
 thai come first to the realm of Panoum, the quhilk 10
 is now callit the realm of Ungary, and thare thai
 biggit, in a contree callit Sytie, a citee callit Sin-
 cambre, efter the quhilk name of that citee that thai
 biggit, thai war callit Sincambryanis. And thare, drede-
 les, thai occupyit that duchery honourably wele, to 15
 the space of xv hunder 3eris, in samekle hye and
 grete honoure that thaire duk of Syncambrianis was
 governour of all thai contreis, and was lorde and
 syre our all thai contreis nere about him, for all the
 space of the tyme before namyt. And men redis sel- 20
 dyn in stories a nacioun of sudane adventurous be-
 gynnnyng till have had sa honourable and lang enduring,
 na lesting as thai thare had, quhill on a tyme that
 the Emperour, callit Valentynian, had were aganis a
 kynde of men callit Alaynis, the quhilkis was of syk 25
 mychtis that the Emperour mycht nocht our-cum
 thame. And sa send he to the duk of Syncambre,
 and requerit him to be in his help, and bring with
 him the Syncambrianis, and sa thai did gladly. The
 quhilk Emperour, throu the help and the vailliaunce 30
 of thai Syncambrianis, our-threw and undid, and put
 doun all that nacioun of Alanis, as wele is kend
 and suthely approvit be all the maist trew and alde
 stories. And throu that service the Emperour fred
 thame and callit thame franche men, that is to say 35
 free men fra all subjectioun, and servitude of truage,

the quhilk thai payit of before to the Empire. And
 quhat sum ever othir allegeaunce or interpretacioun
 sum invious folk wald mak aganis the fredome of
 Fraunce, traist wele it is trwe that thus thai wan
 5 thair fredome, and war callit Franchemen before the Fol. 6r.
 tyme that thai come in Fraunce to duell, for Fraunce
 was callit than Gallia. And that name of fredome
 thai gat be the mouth of the Emperour Valentynian
 foresaid quhilk gave thame thair fredome. And thus,
 10 quhen thai come in Fraunce to duell, thai changit
 the name that Fraunce had than, and callit it efter-
 wart Fraunce, as it is 3it and lyke ever to be. And,
 as at the first cummyng, thai conquest first Bur-
 gone, quhilk was than callit a realme, and callit the
 15 king ryke of Burgoyne, and sa dounwart in Gally, and
 wan all, and was lordis hydirtillis; and this was be-
 fore that Gally was cristyn, na 3it na was mony a
 3ere efter this. And syne, behald that the Emper-
 oure that than was had na superioritee of Gally, na
 20 was nocht under na subjeccioun na truage till him.
 And thir ar twa grete poyntis: that thai war con-
 questable, sen nouthir thai helde of God, na of the
 Empire. And thus wan thai this realme of Gally,
 that now is Fraunce, throu force of armes worthily,
 25 quhilk was under subjeccioun of na man, bot habil
 tilbe conquest be the suerd, the quhilk thai conquest
 and haldis 3it as freid be the Emperoure. That
 power than had, quhilk fredome thai have ay sen-
 syne manetened, and haldin ay better and better
 30 worthily, be wit, wisdom, and strenth of armes.
 And tharfore quha wald wele consider wald never
 say that the realme of Fraunce war subject to the
 Empire, na that the king of Fraunce occupyis wrang-
 wisly the privilegis imperialis. And of this mater
 35 movis the doctouris mare to speke be caus of the
 tyrane Lombardis, the quhilkis will nocht obey to the

Emperour, sayand that sen the king of Fraunce
 obeyis nocht, bot occupyis the fredomes of the Em-
 pyre, alswele may thai occupy thame be the samyn
 resoun. And thus wald thai cover thair malicious
 tyranny. And gif ony jurist or legist wald allege that 5
 thare is nane Emperoure that may mak alienacioun
 of the privilegis imperialis, I ansuere him that I
 traist wele now he sais suthen sen efter that the Em-
 pire ȝede be electioun. Bot before that tyme, it ȝede
 all be lyne of heritage and successioun, and than 10
 mycht thai do as othir lordis dois with thair propre
 heritagis. For ellis war it litill of valure the privi-
 lege that the Emperour has gevin to the haly kirk
 of Rome of all the patrymoyne of the kirk with
 the ilis in the see and othir fredomes mony. And 15
 tharfore, sais the doctouris that it war grete foly to
 say that the donacioun ne war nocht gude that the
 Emperouris has maid in the tyme that the Emperour
 passit be successioun of lygne. For all the doctouris
 and the lawis accordis in that, that the Emperour 20
 is veray lord of all the patrymoyne of the Empire,
 with the appertenance, and has veray donacioun and
 seignoury tharof, and may, be the lawis, bathe geve
 privilegis, and mak lawis and alienaciouns, for sa
 sais the lawis civile. Than mon we bathe hald that 25
 the king of Fraunce is rychtwisly privilegit, and the
 pape veray lord of the patrymoyne of haly kirk.
 Than may we say laufullly that the king of Fraunce
 is laufullly privilegit, and his realme, be Emperouris
 hafand power, and the fredome of Fraunce confer- 30
 myt, and allsua that the haly kirk is rychtwisly feft
 of the patrymoyne and privilegis gevin be the Em-
 perour Constantyne, of the quhilkis the pape is veray
 lord temporale and spirituale. For gif the Emperour
 mycht nocht geve privilegis and lordschippis, thai 35
 tymes, to thame that was worthy and that maid him

gude caus and service to the defens, conquest and
 manetenyng of the richtis of the Empire, as did the
 foresaid Syncambrianis, quha walde do honour or
 service to the Emperour, na manetene his fredomes
 5 na possessiouns? Na may na wys man say na the
 suerd of powere imperiale is gevin to the Emperour.
 And that is in significacioun and takenyng that he
 has power our all temporalitee, to chastys and punys
 mysdoaris, and of donacioun, and of seignoury to
 10 tak vengeance of Goddis inymys, gif thai wald
 invade the Cristianitee. And to do and geve hon-
 oure, worschip and glore till worthy and noble men,
 efter that he had provit thame and knawin thair
 worthynes, to mak thame gift and rewarde, and
 15 warldly honour and worschip tharfore; and with lord-
 schippis of the erde avaunce thame, to ger thame,
 quhat throu honouris and privilegis, quhat throu giftis
 and lordschippis, be mare curageus to do service to
 the Empire and to the haly kirk in tyme to cum.
 20 Item, the king of Fraunce and the realme, with the
 peple, lordis and noblis of Fraunce was fred, privi-
 legit and anoblyd to mare hye fredome, and worthy
 honour and los be Charles Maigne the Emperoure
 and King of Fraunce, as othir tymes I have spokyn
 25 in this buke, suppos it was till othir purpos. The
 quhilkis thar was fyve syndry kingis of Fraunce, efter
 him succedand, doune be lyne of heritage. The
 quhilkis all was Emperouris and kingis bathe of
 Fraunce, and helde the said king realm and peple
 30 ay in thair foresaid fredome, but questioun or de-
 maund, that never man, efterwart mycht, na may
 fynd na cronikis na writtis the contrair; and ever
 has bene in this fredome fra the first king that ever
 bare croune in Fraunce. And here atour, the pape
 35 beris witnes in his decretalis that the king of Fraunce
 haldis of nane erdly king of the warld na tempor-

ale. And to say that the pape wald lee in his lawis
 of haly kirk, and gif ony envious adversare of
 Fraunce wald say that, peraventure, the pape that
 maid that decretale was Franche borne, I ansuere
 hym treuly that was he nocht. For he was, but 5
 dout, borne of the toune of Senes quhilk is of the
 tong of Lombardy. Item, pape Innocent, quhilk maid
 the glos of the decretalis, sais that the king of
 Fraunce is nocht subject to na king of this erde,
 nouthir Emperour na othir, bot he is the papis man; 10
 the quhilk the noble doctour Johan de Lignan re-
 hersis in his bukis. The quhilkis resouns and allege-
 ancis I say, nocht for fleching na flatery, bot for
 ground of lawtee and of veritee. And ȝit I say
 mare na before, that it is nocht expedient, na prof- 15
 fitable for the fayth of God na haly kirk, na for
 the Cristianitee that he war subject to the Empire,
 and my caus is this. For quhy, we fynd in haly
 writt xxii antepapis, of the quhilkis thare is few that
 was of thame na the Emperouris that was in thair 20
 tymes sustenyt thame agayn the rycht pape in thair
 scisme. And suppos that sum of the trew verray
 papis was Franchemen, all the verray papis was nocht
 of Fraunce. And tharfore, and the king of Fraunce
 had been subject to the Empire, and the subject 25
 had bene als evill to the haly papatis as the maister
 man was, the Cristyn faith had standin in symple
 state; for certaynly all the warld had bene the werr.
 Item; se quhat grete jurementis the Emperouris efter
 Charlis Maigne has made to the pape, aganis the 30
 unfaithfull inymyes of God, and before him allsua
 all bot thai off Fraunce! And ȝit Fraunce has kept
 a better part to the papis na the Emperouris has
 done. And quha will behald and se the stories and
 cronykis of thai tymes, se quhat conquestis Em- 35
 perouris has maid for the faith, and the honour of

the reverence of Almychty God, and 3e sall fynd full
 fewe. Bot se quha wan the daulphynage of Fraunce,
 or the principate off Orange, the contree of Vienne,
 the realme of Arragoun, the realme of Arle and of
 5 Nerboun and of Carcassoune, the parties, landis, and
 lordeschippis of the knychtis of Genuis, of Bor-
 deaulx, of Girounde, and of Barssalone, de Navarre, Fol. 62.
 de Lyons, and of Mount Partus, and the maist fors
 of all the out merchis of the realmes of Spayne!
 10 Certaynly nane othir bot gude King Charles Maigne
 and his successouris, kingis of Fraunce, nocht con-
 quest fra Cristyn blude, bot out of the handis of
 Sarrazenis that occupyit thame in thai tymes, as all
 men that lykis to here or rede alde stories may
 15 clerely se. Than war it lyke to be unsemant that
 this maist Cristin realme war in ony thing subject
 to the Empire that lytill gude or nocht has done
 to the augmentacioun of the Cristyn faith, bot ay
 manetenand scisme, as said is, again the kirk. Bot
 20 Fraunce has ay kepit and manetenyt the faith our
 all Cristianitee, and the pape and the haly kirk, ay
 sustenyt of Jhesus Crist in thair rycht, and ay bene
 protectour and defendour to thame. And trewly than,
 be the ordour of gude policye, it war unworthy that
 25 thai suld be lordis that has ay misgovernyt, and thai
 that had ever wele and lovably governyt war sub-
 jectis. Bot sik men ar worthy to be lordis quhilkis
 can wele governe thame self and otheris, and kepe
 thame fra failleing. And syne lat 'ony quha lykis
 30 to rede or se stories of alde ancestry, and thai sall
 never fynd that ever Fraunce sustenyt outhir scisme
 or herisy. Bot treuly I have red in stories that ma
 na x Emperouris that all was manetenouris of fals
 scismatikis and heritykis, ande herytikis and scis-
 35 matickis thame self. Than war it worthy, God wate,
 to geve to sik men the superioritee and soveranitee

of sik a maist noble realme to thame that could never wele governe thame self in vertu? etc.

[Capitulum
lxxviii.]

HERE speris the doctour, quhethir the king of Ing-
land be suget to the Emperour, or the kingis of Spayne,
and for le3 werris of Spayne. As of Ingland, I an- 5
suere, that efter the opynioun of doctouris in alde gloss
sum jurist wald say that thai ar nocht subget to the
Empire. Bot because that syndry folk redis apoun a
syde of the lef and nocht on the tothir, had thai red all
that I have sene, thai wald have understandin othir 10
wayis in the alde stories. For, as we have othir tymes
said, efter the cours of the law commoun, all realmes
suld be subject to the Empire, bot gif thai be specially
privilegit be Emperouris power hafand, or ellis that thai
be fred be the autoritee of haly kirk. And sa, ever help 15
me God, dicit doctor, I saw never storye, na statute, na
privilege, na decree, na decretale that ever said na de-
clarit privilege of exempcioun to the king of Ingland
fra the obeysaunce of the Empire. And quha wald see
wele and consider the glos that sum favourable to that 20
part allegis, thai sall fynd bot full small foundement
in the contraire. For sum sais quhilum that he mane-
tenys his exempcioun be fors and maistry; sum sais he
haldis it be prescripcioun of alde tymes; sum sais othir
wayis. Bot suthfastly, all men of gude understanding 25
may wele know that but documentis all this is nocht.
For prescripcioun agayn soveranitee is nocht worth
agayn obeisaunce haldin on fors, as be the veritee of
suthfast writtin lawe. Than gif he may schawe na
privilege gevin be nane Emperour power hafand, he 30
is subject doutles to the Empire. For I am certane
that in the tyme of pape Innocent the thrid of that
name, the king Johan of Ingland rais agayn the King
of Fraunce, and all the realm of Fraunce was dividit
in twa partis. And was agaynis the King of Fraunce, 35

Philippe and his sone Lowis, the Erle of Flandris, and the Erle of Bouloigne, and als the Emperour Othe that in that tyme was Emperour, with grete nombre and quantitee of men of armes, and all thai parties togedir agayne the
 5 noble King Philip. Bot the King of Ingland, Johne, helde a felde be him self, and the tothir lordis be thaim self, and sa befell that the noble King Philippe passit agaynis the Erllis of Flandris, and of Boloigne, and the power of the Emperour, and his sone Lowis aganis
 10 the King of Ingland, he and his wele willaris with him. Bot the noble King discomfyte thame all, and brocht the lordis all prisounaris to Paris, and slew grete nombre of the Emperouris men, and of Flemmyngis and Picardis. And the noble Lowis, that past agayne the King of Ing-
 15 land, put him in sik poynt that he wist nocht quhare to hyde him, and put him forsably out of the land, and thare was the said King Johan of Ingland fayn to put him in the handis of the pape, and left the Emperour, and become man to the pape and to the haly kirk. And
 20 oblist him ever ilke ȝere to pay to the pape of tribute a thousand troyes markis of silver. And treuly I will that all men wit that this I fand writtin be a notable doctour callit Tholomeane. And tharfor, all this nocht gaynstandand, I can nocht suthely say na trowe na the
 25 king of Ingland is veray subget to the Empire, for nathing that I can fynd be writt, privilege, na exempcioun. For we may undo na gaynsay the commoun lawe undefamyt. And alssua as langand the king of Spayne, I can nocht fynd him privilegit be na law that
 30 is writtin, na othir certificacioun. Bot suthe it is that monye kingis usis and joys privilegis imperiale, as jugeand weris to be maid, gevand power be lettre to tak mark, haldand and manetenand before thame bataillis in barrieris clos, as bataillis in listis, in quhat nombre
 35 thaim list, the quhilkis thre poyntis may nocht pertene, but privilege and speciale leve, to na man that haldis

under soveranitee of ony othir prince in erde. For
 were generale may na man decrete na juge, bot he
 be soverane lord of that realme that were decretis and
 jugis. Bot as of the king of Fraunce, I mak na dout 5
 than he is free soverane of the realme of Fraunce and
 may do all 3one thre thingis but charge, as I have before
 said and previt reasonably as I traist. Bot suppos as
 the warld is now governyt, bathe syndry kingis, dukis
 and symple erllis dois all thre thir thingis, it makis 10
 thame nocht the mare to have rycht, bot thai schawe
 othir wayis privilege of pape or Emperour, be exemp-
 cioun specialy gevin. For thare is bathe small lordis,
 and citeis; and otheris that us it, but ony rycht knawin
 till us, bot of thair awin autoritee and presumpcioun.

[Capitulum
 lxxxiii.]

HERE speris the doctour: gif a burgeis haldis change 15
 in Paris, war reft cummand to Paris be the way of his
 gudis and his persone put in prisoun, quhethir gif the
 king aw to geve leve to tak mark tharfore aganis thame
 that reft him and emprisounyt him; as gif a burgess of
 Millane or of Napples haldis bank and change in Paris, 20
 and thare has his factouris and varletis labourand his
 wynis and his cornis, and kepend his hous. And, as
 this Lumbard passis fra a hame till ane othir, he is tane
 be the folk of Florence or of Genuis, and dispoilit and
 enprisounyt; quhethir gif the king aw to geve letter of 25
 powar to tak mark apon thame tharfore. To the quhilk
 I say first, nay, that he aw nocht to do it. For quhy,
 suppos he have hous and gudis thare at Paris, he is
 nocht burges of Paris be the proposicioun that I mak.
 For quhy, he aw nocht to joys the privilegis of the citee, 30
 sen he is ane aliene, sen the offence touchis to the
 realme, and to the citee anerly of thair propre burges.
 And as belangand this cas thare mon be maid a dis-
 tinctioun, that is to say that gif the said merchand
 payis othir tailles and subsidis to the king or nocht. 35

And gif he dois, we say, by a reugle of the canoun Fol. 63.
 lawe, that he that dois to the prince and the realme
 sum profit, and makis cost sum, joys sum part of the
 privilegis, that he aw till have lettre of mark. And gif
 5 he payis na thing to the king of sik thingis, we say he
 suld nocht jois the privilegis. Bot gif the king had
 tane him till his burges, and privilegit him specialy of
 his grace and favour, in that cas he aw till have the
 privilege, for than in that cas the injure touchis to the
 10 kingis persone.

HERE speris the doctour: gif a clerk of the realme [Capitulum
lxxxv.]
 of Ingland war studyand in Paris in the Universitee,
 quethir mycht he be tane and haldyn prisonare, con-
 siderand that the kingis of Fraunce and Ingland has
 15 were again otheris. As thus the pape and the kingis
 of Fraunce has privilegit the scholaris to be seur, of quhat
 nacioun that ever thai be, that studyis in the Universitee
 of Paris. Sa cumis thare a licenciante of London, Inglis
 man borne, till Paris to be doctour in canoun or theo-
 20 logye. And be the way, metis him a Franche knycht
 that all his gudis takis fra him, and ledis him self
 prisonare away. Than is here the questioun, quhither
 he aw to be prisounare and pay fynauce or nocht.
 The clerk allegis and complenjis to the king and the
 25 parlement, sayand as before, that the law levis all clerkis
 to vake in scolis and in studyis to le3 sciences and
 literature, and forbedis that ony be sa hardy to do
 thame ony gref, displesance, or molestacioun, bot all
 honoure and reverence. For the law sais that quhat
 30 wikkit man war he that wald mak distrublaunce, letting
 or hyndering to the worthy scholaris, the quhilkis levis
 fader and moder, kyn and contree, and all warldly and
 temporale plesaunce, to tak the payne and travaile to
 nycht and day study in sciencis, and in vertu and wise-
 35 dome, quhat war he that had sa hard a hert na he wald

have merci of thame quhilkis levis all richnessis and delytis warldly to vake thareapon amany strange inmyes as thai war banyst men?—menand that quhasa did the contrair he war ungentill, uncurtas, and unconnand. Nevertheles the knycht that tuke him and 5 maid him prisonare allegis, on the tothir part, that the weris ar opyn betuix the realmes, and jugit to be maid. And as langand 3our lawis we have nocht ado; we ar Franch men, and mellis us nocht with Empourouris lawis, na with 3our Emperouris that your lawis maid, 10 na we will nathing do for his lawis. The clerk ansueris replyand, sayand, Gude schir, the lawis is nocht ellis bot gude faith and resoun, ordanyt be vertu and wisdom of wis men to governe the peple in policy, and suppos 3e set nouthir by Emperoure na Emperouris 15 lawis, the kingis, lordis and nobles, wis men of Fraunce, will nocht lett, forthy, to governe thame be vertu, wisdom, resoun and policy, in lawtee and gude faith reulit with equitee, and ordanyt be wis men. And 3it alsua, quhen Charlis Maygne, with consent of the 20 pape, transportit the study out of Rome and brocht it to Paris, the quhilk the generale scule, and maist worthy, and maist of autoritee and los of the warld, the pape and the said king, with mony othir papis and kingis sen syne, has gevin to the study of Paris sa mony 25 notable privilegis that clerkis suld joys thare; and, with that, brocht with thame mony notable and worthy clerkis out of Rome for to mak the instructioun of the begynnyng of the said study, the quhilkis clerkis had all langagis, bathe Ebrew, Greic and Latine. And gert 30 thame be sa assureit of thair here beyng that na man durst distruble thame under grete paynis. And there was nane excepcioun maid, nouthir of Inglis na Franche, frende na fa. And than sen the privilegis ar generale, quhy may I nocht als wele cum undistrublit as 35 otheris, sen bathe the pape and the kingis of Fraunce

Nota.

has asseurit thame? Than ansueris agayne the knycht sayand, Faire schir the thingis ar nocht in termes as thai war wount. The realmes was than in pes that now ar in weris, and the were is all opin, and jugit be the
 5 kingis to be opin, and sa is every man at his avantage, and na man to pas but leve amang thame that fa is. Quharefore 3our resouns ar of na valure. For quhy, 3e may dayly wryte to 3our frendis the secretis of the realme, and the kingis priveteis, and warne his inmyes
 10 tharof; be the quhilk the king mycht have and sustene grete scathe tharfore. And now mon we se quhat justice and resoune wald in this mater. And first we mon say that suppos the king had decretit and jugit opin were, and he had nocht maid speciale inhibicioun
 15 be lettres or cry publyk that na man of England, clerk na othir, suld cum in his realme durand the weris, but leve askit and optenyt, and that he war nocht cummyn feynnyngly, under colour of study, to be a spy, me think gude faith and law walde nocht that he sulde be pris-
 20 onare, be the generale privilegis of the King Charles Maigne and of the pape. For and the king had maid ony speciale inhibicioun, or that a feynyt man war sa cummyn, under fals colour, than war thare na dout tharein. Bot it is nocht spedefull na lefull in tyme of
 25 were generale till ony men to bring in the kingis inmyes in his realme under ony colour that may be. For and the Archebischopryke of Ranis or Rowan vakit, and the chanouns wald ches ane Inglisman to be archebischop the king may ger gayncall the electioun, and
 30 salbe herd with the pape tharapon, be alloure doctouris.

HERE speris the doctour a questioun: quhethir the servandis suld jois the privilegis of thair maisteris, as gif a clerk had brocht with him twa or thre of mychti burgeis sonis under him out of England in Fraunce,
 35 quhethir gif thai aw lefully to be prisonaris, or thai aw to

[Capitulum
lxxvi.]

be free as thair maister. And, be the first visage, it semys that thai aw to be prisouneris. The resoun is, for suppos the privelege—say that clerkis studyand suld be privilegit—it spekis nathing of thair servandis. Bot this resoun nocht gaynstandand, trewly gude faith and law 5 will that the maister, his servandis, and his gudis suld gang all a gate, and jois all a privilege. For it is nocht semand that the membris suld nocht have the privilege of the corps, sen, be law, all is comptit a thing, the maister and his servandis. For but servandis may nane 10 syk men be.

[Capitulum
lxxxvii.]

HERE speris the doctour 3it a questioun langand the samyn mater : quhethir gif a burges of London has a sone at the scole in Paris that is befallin seke, and the childe writis till his fader prayand him to cum till him, 15 and vysyte him, for he is in perile of dede. The burges, the quhilk is sare disesit of his barne, takis hede to na weris, na has na mynde that him sulde mister nane asseuraunce, and cummys to Paris to se and visyte his seke sone, and thare metis him a man of armes and 20 knowis him, and takis him, and gerris put him in prisoun. Than is the questioun quhethir he aw to be prisonare or nocht. To the quhilk it is sene as be the first advis that he aw nocht to be privilegit be the privilege of his sone be lykelyness. For suppos for grete 25 vailliantis and honourable dede of armes a bonde man war sa worthy fundyn that he war maid knyght in armes. Throu the quhilk ordre, suppos na mencion na langage be maid in the tyme, he is anoblyt and fred of bondage, and maid gentill man fra thyne furth. Bot it folowis 30 nocht, forthy, that his sonis ar anoblyt, nouthir ane na all. And, forthy, in lyke cas it is nocht lyke that for the privilege of the clerk studyand, the fader suld joys the privilege. Bot here till ansuere to this questioun, I say treuly that be the law writtin, nocht gaynstandand that 35

the men of were will nocht be content of this ansuere, that the fader aw nocht to be prisonare. For quhy, the law of nature may nocht be bakkit and put doune be na statute, na constitucioun of mannis law. For law
5 of nature is the first and principale, permaynis for ever undefoult, but mutacioun, or ony changeing, or ony gaynsaying. And sen it is sa that the fader is behaldin be law of nature to visyte the sone in his malady, and to help him, suppowell him and noris him, and do him all
10 humanitee that may be done, or ellis he suld be repute unkynde and uncheritable, and suld forfett the name of fader, and be that, the rycht he has till his sone. And the resoun is this, for thare is nane sa grete lufe in this world as is the lufe of the fader to the sone, be lawe of
15 nature. And sen the fader dois to the sone it that he aw to do, be the way of nature, quha suld be he that suld reprove him, na 3it blame him, or scathe him tharfore, na do him ony injure? Alssua thare suld na man do till his nychtbour bot that he wald war done till
20 him. And it is eith to wit that na man wald be content that ony othir lettit him to visyte his childe and he war sare seke, na to do him injure na vilany be the way cummand, and 3it mare, be the way of nature, a man is haldin to fede his barnis, and governe and noris, or ellis
25 he is to be cursit be the law canoun. To the quhilk questioun, 3it, I ansuere, that certaynly the study of Paris is sa privilegit that quhasa ever bringis to scolaris study- and outhir clething, or bukis, or ellis gold or silver, and othir lyfis fude, he aw to frely cum and gang, but vexa-
30 cioun, or distrublaunce, or ony injure in body or in gudis. For the law sais that quhen a thing principale is grantit, all the nedefull pertinence till it is grauntit, Quia, concessio principali, conceduntur accessoria. Thus may we say, that quhen privilege is grauntit to the maister, all
35 his nedefull thingis ar previlegit be that privilege. And thus haldis oure doctouris, sa that thare war nouthir

fraude, barat, na malengyne in the mater, that thare war ony feynit thing to spy, or othir wayis to ymagyne sum dissait or trychery in tyme of the weris. Nochtthan, I traist, that men of armes wald nocht be content of this.

[Capitulum
lxxxviii.]

And treuly, I say, rycht sa gif his awin brothir come 5
to visyte him, to bring him gold or silver, clething or
othir thing, or ony othir servand of his faderis suppleit
thair faulte, etc.

[Capitulum
lxxxix.]

HERE speris the doctour, gif a studyare may be tane 10
for mark and haldyn prysonare: as gif the king for reson-
able caus had grauntit lettre off mark till a man of Paris,
and thare war gudis haldin wrangwisly fra him be a
burges of Florence, and sa befell that thare war a scolar
in Paris at the study of Florence, quhethir gif he mycht
lefully be arrestit and haldyn prisonare for mark of that 15
caus. To the quhilk, treuly, I ansuere schortly as
before was ansuerd anent the fader and the sone, and
brothir, and servandis, that nouthir aw thai to thole him
be arrestit, na prisounyt, na nane othir that, be caus of
his necessiteis bringand, cummis till him as before said is, 20
sa that thare be na trompery. And the resounis for
mark suld have all syk privilege as jugit opyn were sulde
have. Bot I have sufficiandly spokyn of that of before,
how suppos thare come till a knycht his brethir, or ser-
vandis or cousing germanis, na otheris for mark suld 25
nocht be tane, na arestit nane suld the clerkis of the
study.

Capitulum
xxxx.]

3IT here mare furtherly spekis the doctour of
prisounyng: quhethir gif a witles man, that is to say
wood, out of his wit, may be tane and haldyn 30
prisonere, and ransounyt in weris. As gif a duk of
Ingland cummys with a grete multitude of peple in
armes to mak were apon the king of Fraunce for the
ducherye of Gyenne, the quhilk duk, beand in the

said ducherye with his men, takis a woodnes and a ramysdness in his hede, sa that, unwittand his ost, he passis fra his company in the woddis, and wynis and wildernes him allane but company, and sa is

5 recounterit be a knycht of Fraunce, quhilk knawis him wele, and takis him and ledis him till his castell, sayand, but drede he sall pay him ane hundreth thousand frankis or he scape out of his handis. Than is the questioun quhethir he aw to be prisonare

10 and pay ransoun, or nocht. To the quhilk it semys that it war na questioun, for quhy, quhen he come of his contree of England, he come as inmy to the king of Fraunce, and to mak him were, and jit his men ar contynuand to mak were on the king and his landis,

15 quharfore resoun and law of armes wald that he war prisonere, nochtgaynstandand that he be wanerit in his wit, for the law sais, Fra tyme a man be ressavit in service he is presumyt ay to be servand quhill he be releschit of his service. Thus, sen he was inmy

20 in his hele and his lege poustee, and wald rycht sa be and he war hale, quhy suld he nocht be sa haldin in his woodnes inmy? Bot jit, nochtgaynstandand all thir resouns, me think all the contrair is suthe. For men fyndis in the law that a man wanerit out

25 of his wit, suppos he had bene a fa before, nocht than, for the tyme that he is out of his wit, he suld nocht be haldin as inmy. For quhy, he wald be als evill as he is bathe till fader, brother, eme, or cousing germane as he is till his fais, and allsua till himself.

30 For oft tyme a woodman slais himself, and ryvis his clathis, and his awin hare, and his awin propre flesche; for he has na knaulage of wit na resoun mare than a beste. And tharefore sais the law, that sik men may nocht do wrang in na wis, na injure to na man. For

35 injure may nocht be done bot of free will, be knaulage and libere arbitrage. Bot all that a woodman dois he

dois throu woodnes and rage, and throu moving of ane
 evill spirit of furour, quhilkis excusis him. For suppos
 he slew in that rage a thousand men, he suld nocht
 be punyst be justice. And tharfor, in that rage, he
 sulde nocht be repute inymy to na man of the world, 5
 na zit prisonare. Alssua, and I had hecht a man a
 noble suerd, beand in his hele, suld I, and he war
 wood, delyver him my suerd, or ellis I war of myn
 athe manesuorne? Certaynly, I say, nay; and I sall
 prove that be the lawis. Alssua, a man that wate 10
 nocht quhat is faith, quhat nane, how suld men ask
 faith of him or ony resoun? For the law sais that
 quhatever sik men dois, it is comperit to the dede
 of a beste. Or, as a sclate fell of a hous and slewe
 a man, quhat pyncioun suld men ordane to do for 15
 that sclate? And alssua, lat men behald quhat nobless
 or were it war to tak a woodman! or quhat gentris it
 war to put him in prisoun! a seke man that may
 nocht our himself in syk a rage and malady! Bot
 erar suld all nobless help to cheris thame, and con- 20
 fourt thame, and help to hele thame, and socour thair
 lyf and hele. And thairfore, in sik maner as I have
 argewit, I conclude that he aw nocht, na may nocht
 be na law be prisounare na pay na fynauce, bot the
 king suld ger delyver him till his frendis. 25

[Capitulum
 lxxxvi.]
 Fol. 65.

HERE speris the doctour: gif that a man of were
 had put a woodman in prisoun, and he worthe hale,
 quhethir efter his recovering of hele, he mycht be
 maid prisouner newly be him that had haldin him in
 prisoun, and ger him pay ransoune leffully. And as 30
 to that it semys that—3ha, it may be leffully done.
 For quhy, the law sais that sik men may nocht mak
 testament, na mariage, na mare na a man of religioun.
 For that requeris obligacioun and trew consent, with
 wit seker and wele sett, na zit he may nouthir tak na 35

geve baptesime. For he has na seker will, withoutyn
 the quhilk, sik thing may nocht be gevin, sen thai ar
 of perfyte elde and of discrecioun. Bot set we the cas
 that the sekenes leve him, may he nocht than do all
 5 that is beforesaid? certaynly, 3a. Be the law writtin
 than, be the samyn resoun, he may geve his faith as
 prisonere. Lat us than se quhat resoun wald in this
 mater. And first we mon consider a reugle in the
 law writtin, quhilk sais that a thing that is nocht of
 10 valew be the law as ground of rycht in the begynnyng,
 the successioun of tyme may never mak it rycht, sen
 it had na rychtwis foundement in the first begynnyng.
 Bot sen I have before provit that the first foundement
 of the rycht that he clamys till was nocht gude, how
 15 suld the successioun be gude? For possessioun of
 evill faith may never cum to gude faith throu process
 of tyme. Alssua, all noble men ar behaldin to do
 nobless till a noble lorde; and than quhat nobless
 war it to tak him prisounare efter his gref and malady,
 20 sen God had send him hele, considerand that he was
 in sik pitous poverté of his persone and wit? Quhat
 nobless war it than of a woodman helit to mak a
 prisonare? Alssua, all seke man is goddis prisounare;
 and sen God has lattyn him to borgh, gevand him his
 25 hele, it war evill sittand that man suld efter mak prisoner
 of him under the sauf condyt of his lord and ouris
 bathe. We think that war all agayn the nature of
 nobless and nature. And treuly wald men occupy
 thame to dispute this mater to the utterest, be all
 30 resouns that men may fynd, bathe be law writtin and
 law of nature, thai suld have mekil ado. And tharfore
 I will mak schort my part tharof, for treuly, as be owre
 maist notable doctouris, that quhen he war cummyn
 agayn till his witt and gude knaulage, and he wald
 35 persevere in his evill will to the weris making, as
 before, till eschew evill, I say he suld be haldyn

prisounare. Bot, and he wald hecht to pas in his contree, and leve the weris, and mak no mare were to the king, na his contree, I wald say he aw nocht to be haldin prisounare, bot gif he war constreynyt be his soverane lord to cum in weris ane othir 5 tyme.

[Capitulum
lxxxii.]

HERE speris the doctour gif quhethir ane alde man passit age of lawe aw to be tane prisounare, and to be constreynit to pay fynauce: as thus, gif a Franche knycht, in the tyme that Bordeaux was Inglis, had 10 runnyn before Bordeaulx to scoure the contree and tak prisouneris, and hapnit to mete without the toune, cummand fra a chapell quhare he had herd messe, nereby a myle without, nereby the toune, a sely alde burges man of the age of ane hundreth 3eris, quhilk 15 war mighty and riche, with a lytill staff in his hand, and sperit at him, Gude man, quhyne ar 3e? And he ansuerde, nocht mystraistand him, Schir, certaynly, I am of the toune of Bordeaux. The knycht sais, Than are 3e, gude schir, my prisonere. For 3e ar all 20 at the Inglis faye, and I am a Francheman. And thus, sen 3e ar at opyn were aganis oure king 3e ar lawfull prisoner. The gude alde man sais Certayn, schir, I am a man quhilk maid never were, na mellis me nocht tharewith, quharfore I ask 3ow merci for 25 Goddis sake, and ledis me before the king; and do me na wrang, bot do me richt lawe, and gif I aw to be prisounare that I be prisounare, and gif I aw nocht to be it, that 3e wald hald me free man. The gentill knycht, quhilk herd the gude aulde burges speke sa 30 resonably, grantit him his asking. And thus ar thai cummyn before the king, quhare the knycht proponis his proposicioun, sayand that it is nocht unkend how the toune of Bordeaux has bene of lang tyme occupyit be his inmyes. And that he maid his cours before 35

the toune as othir tymes he had done to get his
 avantage, and thare he met sik a notable burges, the
 quhilk is mychti to pay x or xij thousand frankis, and
 take him and arrestit him prisoner, the quhilk he askis
 5 to be adjudgit till him as his prisounar, and to demayne
 as prisouner aw to be demaynit. Than ansueris the
 ryche burges, Schir, certaynly I knawe wele that the
 were is betuix the kingis, quhilk has lestit our lang,
 and, God wald, and was begonnyn or I was a barne
 10 and ȝit is nocht all endit. Bot to say that I ever in
 my lyf bare armouris na suerd na knyf bot it war to
 kerne my mete withe, na that ever harneis come apon
 my body! And gif ȝe traist me nocht, makis informa-
 cioun, and ȝe sall fynd that I was never bot I gave ay
 15 counsaile and confourt to the king of Ingland to here
 treti, and mak pes and concord with the king of
 Fraunce, and was never blithe of the weris, bot ay
 soroufull and displesit that the weris lestit sa lang.
 Alssua, schir, be the lawis of armes, ane ancien
 20 man as I am aw nocht to be compellit to pas in weris,
 na aw nocht to be tane prisounare. For I am passit
 date of resonable age. Alssua, ȝe suld nocht mak were
 aganis men that makis nane to ȝow, na that gevis
 nouthir counsale confourt na help aganis ȝow, on thair
 25 free will. Bot, suppos on force men be constreynit
 agayne thair will to mak were, that makis nocht bot
 thai suld be excusit; and gif ȝe fynde that ever I
 helpit the king of Ingland be my persone na of my
 gudis, bot aganis my will, I am content to remayne
 30 prisonare. And tharfor, to the ansuere of this questioun,
 I say, that a man passit date of age aw nocht to be tane
 prisoner in weris, bot gif he had bene in his tyme a
 counsaillour and helpar agaynis the party aduers. Bot
 and he had bene outhir in counsele confourt or help,
 35 I say he mycht be haldin prisoner, for quhilum ane
 alde man in his counsale is worth ane hundreth in dede.

[Capitulum
lxxxiii.]

HERE speris the doctour, gif a barne may be tane prisounare and pay fynauce; as gif ane Inglis barne war takyn prisounare be a Franche man durand the weris, quhethir gif he aw to halde him, and ger him pay ransoun lefully, or he suld 3elde him agayn, and 5 delyver him at request of frendis. And first it semys that he aw to pay fynauce. For sen were is opnyt betuene realmes, all men of were ar free to do thair spede apon the kingis inmyes, but excepcioun of lytill or mekle inmy. For he that has poware apon 10 the maist has power apon the leste. Than sen he has power to tak the grettest prisounaris, than suld thai have power apon the smallest, sen all ar inmyes. And be the law of armes he may tak, and hald prisounere, and ger pay fynauce the fader of the barne, tak be 15 the lyke cas, than suld he be lawe tak the sone. Item, mare stark resoun 3it. The man of armyis that may tak and inprisoun the master man, he may tak lefully be the law his gudis; and the law sais that the barnis ar contenyt within the gudis of the fader. And thus may 20 he tak alswele the sone as the fader, for the fader has the sone in his powar, and may sell him or wedsett him at his lyking quhen him nedis. And thus may he be prisounare. Apon the tothir part, it is allegit be law of nature, and all othir lawis and justice accordis 25 in that, that innocence suld nocht sakeles be grevit. Bot suthe thing is that this barne is all innocent of this weris, for nouthir gevis he counsale, confourt, na help till his fader, na othir of the party to manetene na furthir the weris, quharefore he aw nocht to be grevit 30 but caus, and thus aw he nocht to be prisounare. And 3it mare, we have said before that quhen a man helpis to manetene his lordis weris, outhir with his persone, or his gudis, or his counsale, it war grete resoun that he had punycioun and he war tane. Bot sen this 35 innocent nouthir helpis na fortheris with his persone,

Fol. 66.

na his gudis, na his counsale, he aw nocht to bere
 punycioun. For the law sais that Nocht has nocht
 payis. And as to this debate, I say, nocht gaynstand-
 and that new men of were makis new lawis agaynis
 5 the anciene noble custumes of contreis and princis
 that maist worthy war in thair tymes, I say that it is
 nouthir honour na honest, gudely na Godlyke, bot
 againis all gude faith and gude custum to tak prisoun-
 aris outhir anciene men, or innocent barnis, or wom-
 10 men, or to ger thame pay ransoun. For sen thare is
 na vailliaunce na worschip tharin, treuly it sittis nocht
 to noble men of armes for to mell thame tharwith.
 Bot mare honour war to kepe thame fra harmes. And
 trewly quha ever dois the contraire suld be erar callit
 15 cruell and pillarde, na worthy men of armes. And
 alssua I traist that quhat ever he be that usis sik thing,
 sa[ll] nocht be fortunyt, na happy to honour na richness
 in weris. Bot the king suld be thair belde, and thair
 protectour. And than sall his honour and los grow,
 20 and God sall help him to have victorie of his inmyes
 throu prayer of thai innocentis.

HERE speris the doctour, quhethir gif a blynd man
 in were tyme mycht leffully be tane and haldin prisonare,
 and pay fynauce, as gif ane unworthy lymmare, that
 25 settis nocht for honour bot for pillery, had tane a blynd
 man, and put him in prisoune, and his frendis pleynis to
 the king, and askis lawe. And as to this mater I an-
 suere that, gif a blynd man makis him to be a helpare
 or furtherar, outhir with confourt, counsale, or with his
 30 gudis, or a spy, or othir way ingeris him to greve the
 party advers, at his power, I say he sulde have wer na
 ane othir that mycht se, bathe in body and in gudis, and
 it hapnyt him to be takin prisonare. Off the quhilk
 gevis us ane ensample oure Lorde, in haly writt; for
 35 efter that Caym had slayn his brothir Abel the rychtwis,

[Capitulum
 lxxxiii.]

thare was a blynd man callit Lameth, the quhilk was
 custumyt to pas to the wod, with bow and arowis, and
 hid him in a busk. And quhen he herd ony wilde beste
 stalkand besyde him, be avys of his fele, he wald schute,
 and oft slewe venysoun and brocht hame. And sa apon 5
 a day he sittand in a busk hyd, bydand the venysoun come
 stalkand by him stillely, but wordis Caym. And then
 Lameth, werand it war a wilde beste, schot at him and
 slewe him. Than sais our lorde in haly writt, that the
 syn of the slauchter of Abel that Caym maid salbe 10
 punyst, bot the syn of the slauchter of Caym that
 Lameth maid salbe punyst lxxvij tymes. And the caus
 is, for he sett him to do a thing that come nocht till
 his nature, na efferit him nocht to do be his condicioun.
 Bot treuly and a blynd man had bene tane prisoner, 15
 suppos he had gude yneuch, and he had nouthir gevin
 help, confourt, na counsale in the weris, he aw nocht
 to be haldin prisounare. Bot nevertheles, and he had
 mekle gude, and gave taillies and tributis to manetene
 the Inglis weris, suppos a Franche man tuke his gudis, 20
 bot gif grace war done him of sum part, he mycht nocht
 be law of armes be compellit to geve agayne thai gudis.
 And alsua, gif thare war a man becumyn blynd, quhilk
 othir tymes had bene a man of were, and had gevin
 help, confourt, and counsale bathe with body, counsale, 25
 and gudis, and sik a man war tane prisonare, me think
 treuly that he mycht wele be haldyn prisouner, and pay
 ransoun. Item, it that I say as belangand the blynd
 man I say in lyke fassoun of a def man or a dum man.
 For syk men ar nocht haldyn as warldis men, na men 30
 of were. Bot thai ar callit in the law miserable per-
 sonis, that is to say personis that merci is aucht to
 —merciablen personis.

[Capitulum
 lxxxv.]

HERE speris the doctour, quethir gif ambassadouris
 come in Fraunce to the king, and brocht with thame 35

the kingis inmyes, gif thai may leffully lede thame with
 thame throu his realm, or nocht. As thus, the king of
 Scotland sendis ambassadouris to the king of Fraunce,
 the quhilkis arryvis at Cales, and hyris with thame hors
 5 and cartis, and chariotis to lede thair gere with to Paris,
 to the king; and thus be the way thare metis thame a
 Franche capitane, quhilk kennis thame wele, and takis
 all the said gudis with the ledaris that ar with thame of
 Cales and haldis the gudis as a chet, and the personis
 10 prisouneris. The ambassadouris pass to Paris, and
 complenjis to the king; the souldyouris ar callit, and
 thair capitane, before the king to thair ansuere: sayand
 that thai ar the kingis inmyes, and that thai traistit wele
 do na nocht distroublit the kingis ambassadouris. And
 15 be caus this mater is sum part difficile, I will ansuere
 schortly, but langer process. I say that ambassadouris
 of strange princis suld nocht be stroublit within a kingis
 realme, bot ar asseurit, and all thair gudis, and thair
 company, na do thame nane injure. And mare, suppos
 20 thai war oblist till ony merchand of Paris in xx^{ti} thousand
 lib., he may nocht as that tyme, be the lawis writtyn,
 mak thame na questioun na demaund, sa mekle ar thai
 privilegit be the lawis. Nor na justice may compell
 thame, sen thay ar legatis of princis, and cummyn in
 25 the kingis realme. Na thare aw na juge to ger sum-
 mound thame in jugement, na vex thame in na maner
 of wys, bot gif thai had done ony mysdede in the way,
 efter thai be cummyn in the realme. And tharfore
 treuly in the foresaid cas the souldiouris suld have rycht
 30 nocht, bot jelde agayn all halely that thai had tane.
 For sik lordis and ambassadouris peraventure had
 necessitee of hors and mulis, charis and chariotis for
 to bring and cary thair honourable thingis that war
 nedefull to thame, and peraventure sum giftis or pres-
 35 entis to the kingis majestee. Quharfore, be resoun
 thai suld be free and unharmyt. And mare, suppos

that mark had bene grauntit be the king, for ony caus
 resounable, aganis that realme quhare thai legatis
 duellis, durand the tyme of thair legacy, thai sall nocht
 be claymyt, na chalangit, na harmyt in na maner, nouthir
 be law civile na canoun, na law of armes na custum. 5
 Bot and thai had maid ony fault thame self in the way,
 thay may be of that thing punyst and chalangit be law
 in jugement. Bot, zit, nocht gaynstandand all thir
 resouns, gentris na gude faith wald nocht that ony
 ambassadouris war sa unverty, na sa folily avisit, to 10
 bring a kingis inmyes in his realme and lede thame
 throu his land to se his secretis, etc.; for treuly it is
 grete excess and grete misgovernance, etc.

Fol. 67.

[Capitulum
lxxxvi.]

HERE speris the doctour, gif a bischop of Ingland
 mycht be imprisounyt be a Franche man of armes; as 15
 gif, for occasioun of this weris, a bischop, or Abbot, or
 monk, or preste mycht be enprisounyt be the law of
 armes. And schortly I say nay, for the were is jugit and
 ordanyt betuix the twa kingis, and thame that gevis
 thame socouris, help, confourt, and counsaile, that ar his 20
 subjectis, ande favouris his querelis, and manetenys the
 weris. Bot suthe thing is that the bischoppis and men
 of kirk ar nocht subjectis to na temporale princis na
 kingis secularis. Quhy than and quharefore suld clerkis,
 or men of kirk be inprisounde, na pay ransoun, sen thai 25
 do nocht of thir foresaid thingis? Item, we say that the
 state and office of men of kirk is departit and disseverit
 fra the temporale, and fra all weris, for the service of
 God, to the quhilk thai are dowit, makis thame unhable
 to the weris or to bere armes. For, as sais the lawis, 30
 clerkis suld be cursit that beris armouris, and all othir
 harnes of temporale bataillis, or of weris, and allsua it
 war grete vilany to the servandis of God to be maid pris-
 ounaris to temporale men; sen thai do Goddis service,
 and techis the haly faith to cristin men, and assoilzeis 35

thame of thair synnis, and gevis thame the haly sacramentis of mannis salvacioun ; the quhilkis suld have nane othir armouris to defend thaim with, bot gude lyf and vertuous governance, quhilkis ar callit the armouris
 5 of justice, with prayeris in teris, and in greting for the synnis of the world. And, as sais the decreis, men suld ask at thame bot anerly prayeris, teching of the faith, and ministracioun of sacramentis. And gif ony wald say aganis this that sik men of kirk gevis tributis and
 10 taillies of thair gudis to the king of England, to manetene the weris, I ansuere him that treuly that is sare agayn thair will. For be all lawis writtin, kirk men aw nocht to pay tailjeis na tributis to the weris, bot on fors thai will compell thame to pay, quhethir it be law or nane,
 15 and takis it be way of dede, of the quhilk thai have na wit. Bot and a preste and a clerk pass in the weris with his maister, and he be tane, suppos they ger his maister pay for him, thare is na grete charge, sen he mellis him tharwith. And rycht sa say we, gif thare war ane
 20 uncheritable prelate, quhilk war in artare, and a counsailour to mak were, suppos he pay fynauunce, it war na wrang. For it is nane office of prelate to counsale were, bot erar to trete pes ; quharfore to tak fynauunce of him, bot nocht to punys him othir way, thai have na
 25 powar, nor nane erdly temporale prince. Bot and the king had gert tak only sik prelate werryoure, and he gert send him to the pape to punys, he did his dett. Bot to pytt the men of kirk, na prisoun thame, na othir wayis to punys thair persouns war bot crueltee, and na were
 30 resounable. And as to the Inglis men that ar in Bordeaux, and in placis of Guyane, thai ar gentill and courtas to men of kirk, and dois nane injuris to thair persouns.

HERE speris the doctour, gif ony kirk man may lefully
 35 be tane prisoner for mark. As gif a clerk war oblist till

[Capitulum
 lxxxvii.]

a knyght of Fraunce in certane soumes of moneye, and he wald nocht pay, bot geve him delayis and oursettis. And he, that knyght, askit at the king lettre of mark ; the king sendis till his bischop, and askis law and resoun of his clerk ; the bischop favouris the clerk and consentis 5 to the trychery : quhethir in this cas the king aw to geve him lettre of mark be law or justice. To the quhilk I ansuere, as othir tymes I have said, touchand mark, suppos it was till othir purpos, that thare suld na lettre of mark be gevin be na prince agains men of kirk, 10 for he is na juge to thame. Bot gif sik a cas hapnyt, the party suld send to the pape, and ask him remede of lawe, for he is his juge.

[Capitulum
lxxxviii.]

HERE speris the doctour, gif pilgrymys may be tane, and haldyn prisouneris be ony were. And as to that 15 poynt, I ansuere schortly, that all pilgrymes to quhat voyage that ever thai pas in the service of God and his sanctis, thay ar all in the protectioun and salvegarde of the pape, and may bathe travaill in were and pes, amang frendis and fais, but impedymment or questioun, 20 sa that thare be na coverit malice under, as to spy. For thai ar repute for the tyme as kirk men that makis vowis of vaigis for the lufe of God. And trewly all pilgrymes suld be assureit of all men of were. For, be the law in the decreis, all maner of man that distrublis thame ar 25 cursit be the autoritee of the court of Rome, sen thai ar in the papis protectioun ; for thai incur the payne of inobeisaunce, and synnis dedely ; and thair bischop may lefully curs all sik men quhill thai cum till amendement. And 3it have thai ma privilegis, for thai suld nouthir 30 pay toll na teme, aucht na custume, na payage, quhill thai ar on thair voyage. Na suld na man sell thame derror penyworthis na wont was to be in the contree. Na thame nedis nocht to ask sauf conduyt suppos thai pas throwe land of inmyes, for he that is lord and syre 35

of all the warld has gevin thaim his sauf conduyt, that is to say the pape, be the haly lawis of the decreis. And thus say we treuly, that, and the michtyest marchant in London passit in pilgrimage to Rome, or sanct James, or
 5 to the Haly Grave, or to sanct Antone, sanct Denys, or till othir viage throu Fraunce, but ony sauf conduyte, throu out the men of were in were tyme, he aw nocht to be prisonare, na pay ransoun, na be distroublit.

HERE speris the doctour, quhat persouns or thingis
 10 in tyme of were nedis na sauf conduyt, as men of kirk, wommen, blynd men, def men, dum men, woodmen. And 3it, with thir, suld labouraris of the erde, as plewmen, harow men, wyne men, and all labouraris and delvaris of the erde, be the lawis, and be the propre
 15 nature of thair office and labour, suld be free, and nede na sauf conduyt be all lawis, as sum part we have said before. And the resoun of the labouraris is for thai travaile for all the warld, and for the commoun prouffit of every man. And sen thai ar commoun
 20 servandis till all men, all men suld have thame assurit in thair craft and laborage, bathe be law of nature, mannis law, and law writtin. For sen thair office is commoun, and makis lifing and grathis, mete and clathe till all the warld, all maner of man suld defend thame
 25 as he wald defend his awin lyf, for thai mak na were.

[Capitulum
 iij)²² & xix.]
 Nota.

HERE speris the doctour, gif the as and the ox in
 tyme of weris sulde bath jois a privilege. As gif a pure
 man labourar has his twa oxin and his as; as gif bathe
 sulde have a privilege. And, as be a wis, he sais, Nay;
 30 for the privilege was specialy namyt to the ox; quhat resoun than has the as till it? Bot this resoun is lytill worth, or nocht, for we suld first behalde quhat resoun is the ox privilegit for. For gif a pure man has ane ox anerly and no ma, and he have ane as tharwith, the ox

[Capitulum
 c.]

Fol. 68.

may nocht wele drawe in the pleuche bot gif he have a
 falowe; the pure man puttis till him in stede of the
 tothir ox his as. Now than, sen he occupyis in werk
 the tothir oxis place, quhy war it nocht resoun he suld
 joys his privilege? Bot quhat sall we say to thame that 5
 labouris thair landis with mulis, as thai do in the
 landis about Venys? And how thai do in Burgone
 that maste labouris with hors, and in mony othir con-
 treis of Fraunce? I say suthfastly that, quhat best
 that ever man mak his labourage with, that beste suld 10
 joys the privilege of the ox, sen he dois the office.
 For the labourage of the erde is sa privilegit for the
 wynnyng of mannis sustenance that, be resoun of thair
 office, and nocht be resoun of thair body, thai suld joys
 the privilege. 15

[Capitulum
ci.]

HERE speris the doctour, gif the varlet of the labour-
 are, that is for to say his hyre man that dryvis the
 pleuche, suld joys the privilege of the maister, or servis
 him in othir service pertenant till his labour. As sen
 the varlet makis labour, he suld jois the privilege to pas 20
 seurly and sekir amang men of armes, but harme in
 body na in gudis. And, as semys first, he suld nocht
 have the samyn privilege, for it is nocht namyt bot to
 the maister. Nevertheles, gude faith wald that he joysit
 the samyn privilege. For quhy, quhen a labourer is 25
 assurit, it is nocht anerly understandin that his persone is
 assureit, and nocht his goods. For litill than war worthe
 the privilege, gif he suld spare my persone, and dryve my
 gudis, and prisoun my servandis. Quharfore I say that
 he aw to have the privilege of his maister. For quhy, and 30
 his said maister did a crime of murthir, or thift, or ref, or
 sik thing, and he helpit him, suld he nocht bere the samyn
 punycioun that his maister beris? I traist nane will say
 the contrair. Than, sen he mon bere his part of the
 payne, he sulde bere alswele his part of the prouffit. 35

And ȝit mare, war the custume that is in Provence
 that women bare the sede to the laboure, and led the
 bestis to the water, and to the pasture, quhen the
 labourer war othir wayis vext. Alset is wer the custum
 5 of men of were to tak women prisoneris, ȝit suld nocht
 sik labouraris wyfis be tane prisouneris, be caus of the
 privilege of laboure. Bot sik privilegis ar bot symply
 kept now on dais. Bot, nevertheles, the law civile sais
 that the knyghtis wyf beris the privilege of hyr maryt
 10 husband. And sa suld all wommen bere privileges
 of thair maryt husbandis, be the writtin lawis. Bot
 as langand the privilege of labour, it was gevin be the
 pape. And tharfor suld all nobles and gentilis and
 men of were kepe that privilege that sustenis all menis
 15 lyfis, and haldis up the warld. And sa byndis the pape
 all Cristyn creature be his law canoun, in his decretalis,
 alwayis to kepe that privilege to the labouraris; or, gif
 thai do nocht, thai ar cursit of the dede, and may be
 cursit opynly be thair bischopis in haly kirk, quhare all
 20 princis, lordis, capitanes and knyghtis suld sett thair besy
 cure, and thair hertis gudely will, to kepe the labouraris,
 sa that thair dede have better prosperitee. Or ellis traist
 wele, quhen thai wene best to do, thai sall mysfare throu
 the vengeaunce of the clamour of the pure peple quhilkis
 25 deis of hunger on thair propre ground for fault of justice,
 and all in default of governaunce of the commoun prouff-
 fit. For, in thir weris that now regnis in Fraunce, thare
 is na weris maid bot to pure labouraris, and till oxin
 and kyis, quhilk is na were bot pillery. Bot this is
 30 nocht the noble fassoun of the weris that worthy knyghtis
 and worthy men of armes was wount to lede in the
 anciene custumes, the quhilkis keptit as thame self the
 pore laboureris wommen, and men of kirk, wedowis,
 maidenis, faderles and moderles barnis, and all pore,
 35 and peceable, and miserable persons, and manetenyt
 justice, polici, and commoun prouffit. Bot, God wate,

all is now pervertit in the contrair, as reving of labouraris, birnying of kirkis, forsyng of wommen, distressing of merchandis, derobbing of prestis, and committing of all the sevin dedely synnis.

[Capitulum
cii.]

HERE speris the doctour, quhethir, in tyme of were, 5
men of armes may lefffully ledder castellis or townis
durand thair trewis, as sum tyme men makis trewis in
tyme of weris in hope of trefy, or othir wayis. And,
as to this mater, sum sais that, nocht gaynstandand
sik trewis, men an behaldyn to do thair prouffit in 10
alkyn maner, nocht brissand thair hecht and promess
to mak were durand the tyme. For suppos thai stele
a place and hald it, thai mak na were. And tharfore,
as to that, me think this opynioun nouthir lele na
trewe. Bot, or I ansuere to this mater utterly, me 15
think I suld declare first quhat is trewis. And first
I say 3ou, that trewis is a kingis asseuraunce generale
the quhilk includis in it thre poyntis, as sais oure
maistris the doctouris. The first poynt is, that it
asseuris the personis. The secund poynt is, that it 20
asseuris the gudis. The thrid poynt that it includis
is, gude hope of pes, trefy, and gude concorde. Now
lat us behald wele than, quhen a place, castell, or
wallit toune is tane be leddering, quhat suretee the
persouns ar in, first and formast; syne, quhat seurtee 25
the gudis ar in efterwart, quhen the inmyes has all
in thair handis; and syne se quhat esparaunce of pes,
trefy, or of gude concorde thare suld be. For seurtee
ryall suld be but barat and male engyne, fiable and
traist as stele. For a kingis word is a grete thing. 30
For never suld word of fiabilness of a king be brokin
be na way; for a kingis word suld stand and nocht
be frustrit, as Sanct David sais, Quod que procedunt
de labiis meis non faciam irrita. Quhat thing is it to
brek a kingis trewis—nane may estymy the dishonour 35

and scathe it is to the realme. Quharfore men may wele se that it is bot fals contrufit malice of commoun thefis and revaris to say that trewis may be kepit, and placis under thai trewis ledderit; na is na clerk that
 5 may gudely sustene that opynioun. For ever in trewis, and in sauf conduytis, men puttis but ony falshede, barat or malice. Bot this opynioun of trecherye cummys of pillardis that never wald have pes na concorde in this warlde amang cristyn folk. For in tyme of pes thai can
 10 nocht lyve; and rycht as thai wald have here na pes in this warlde, rycht sa traist I, thai sall nane have in the tothir warld. For treuly a place tane in sik maner aw to be restorit agayne be the king, etc.

HERE speris the doctour, how and in quhat maner
 15 men suld be punyst that briss the kingis trewis but his consent, or brekis the pes accordit utterly and endit. And as to this questioun, nocht gaynstandand that sum men haldis that, for the first tyme, quhasa brekis trewis or pes suld be dungyn nakit throu the
 20 toune, and, efter that, punyst as the caus requerit, bot and it war sa, thare suld be mony brekaris of trewis, gif thai mycht get gude, for to be quyte for a dynging. Quharfore, I say, treuly, that he that brekis trewis or
 pes, suppos it be bot for v^s of price, thare folowis, be
 25 the law civile, payne capitale, that is to say the hede; for that is a thing specialy and expressely determynit in the lawe. For gif a king be a rigorous man, and wele sett to kepe law and justice, is nane sa grete bot he will sare drede till offend him, na to brek his com-
 30 mandement. Bot and he be lathe, and our settand, and favourable in punycioun of mysdoaris, traist wele he is fosterar and manetenar of all mysdoaris of his realme, and aw to geve compt to the hiest juge of thair allaris mysdedis that gais away unpunyst fra
 35 justice, throu his negligence.

[Capitulum
ciii.]

Fol. 69.

[Capitulum
ciii.]

HERE speris the doctour, gif ony grete lord, or othir als that dredis honoure, suld traist in ony sauf condyt throu mennis counsale, that is to say, to auntre him in the power or placis of his fais, quhare thai war starkare na he. To the quhilk na wis man can wele 5 ansuere. For quhy, to consale a grete lord or ony othir man to put him in the will of men that he knawis nocht thair lautee na thair fastness, that ar his mortall inymyes, nocht gaynstanding that be way of lawe all sauf conduct suld be traist and seure. Bot quhethir 10 that men be traist or seure, that is in were, for mony ane, wenand to be sekir, hafe bene dissavit, betraisit and undone, for thair lycht traisting in men that thai knew nocht thair lautee; and syne had nocht to hald thame by, bot thaire frendis to reprove thame quhen 15 thai war tynt, that was a symple amendis for sa grete a mischef and damage. Quharfore, till a wis man, all the lettres of assurance and sauf conditis of the warld is nathing in comparisoun of his predicioun; the quhilk puttis lyf land and honour in were for a lettre of paper 20 with a lytill wax. And suld I say the contrair, I said agayne my conscience; for I suld better wit the suth na thai men that first ordanyt sauf condytis, and ordanyt the lawis that ar callit capitale lawis in sik materis, and how men suld nocht lichtly traist in 25 na sauf conditis, and namely in the warld that walkis now. For thare is samekle falshede, barat and trecherye in the warld, that men wate nocht quham in to traist; for the warld is worthit sa subtile in falshede that nane is or few that may kepe thame tharwith but 30 a fall or a lak. For every man settis for his singuler prouffit, and to dissave othir, na the warld is fest in sik fremmyt unkyndenes that thai think na schame ilkane to begyle othir, and to le opynly, na to brek lautee mony ane. And treuly, the warld is cummyn in sik 35 a custum that it that was wont to be callit law is now

Nota.

callit cautele and subtilitee to dissave his falow. For the quhilk gude faith is tynt ; for thare is nane that may traist ane othir. And this is the caus for quhy I say this, for my lordis counsale, quhilk and I war of his
5 counsale, I suld never geve him counsale to traist in sauf condyt his persoun amang his anciene capitale and mortal inmyes. For quhen a capitale and mortale inmy haldis in his power the principale party advers, he may fynd ane hundreth maneris till undo him, and
10 syne fynd ane excusacioun and a caus quhy, quhat thing that ever betyde. For men may ger a knave move a ryote or a noyse that nane may do with, or poysonis or othir maner of murderis in hyd maner, of the quhilkis men may fynd mony excusacioun, that,
15 quhen all cummis till heip, ar bot a symple mendis or recompensacioun till syk a tynsale as of a grete lorde. And, forthir, thai may put fyre, or with a schote in at a wyndow, or be a fule ger geve a stab with a knyf, or be a woodman, a ramysde fule that for lytill gude wald
20 sett his lyf in perile. Syne walde men say, quhen it war done, Quha mycht do tharewith? And quhen a lord is dede he gettis few frendis, and lyfand men gettis ay frendis. And als the lawe sais, that in sik mysty aventuris is lytill remede, oft tymes na reparacioun.
25 And tharfore, sais the lawis, that for the seurtee of a manis persone thare can na man devis sufficiand plegis na sekirnes. For gif trechery and falshede be maid till undo a lord, or ony othir persone, suppos he have plegis or hostagis, thai can nocht bring him agayn fra
30 dede to lyve. And quhat prouffitis it to the dede lorde quhen othir war put to dede for him, and he nocht lyve agayn? Na quhat amendis may men of wisdomestymy condigne, for the lyf of a man that war acceptable till him and till his frendis, sen the Ewangele
35 sais, Quhat profitis it to wyn all the warld, and to tyne his awin saule quhen he had maid the conquest?

[Capitulum
cv.]

HERE speris the doctour, quhethir gif a Cristyn
 king may geve a sauf condyt till a king Sar-
 razene to cum in Cristyn landis. And as to that
 poynt I ansuere the, that, trewly, me think that na
 Cristyn man is behaldyn to kepe that saulf condyt. 5
 And resoun quhy is, for man may nocht geve generale
 assuraunce again the inmyes of God. For, first, the
 pape na the Emperour ar nocht haldyn to kepe his
 sauf conduct, na 3it nane othir king. Quha suld than
 kepe it, for thai aw him nane obeysaunce? Bot 10
 quhethir his awin legis ar behaldyn to kepe his assur-
 aunce, in that poynt it is to wit. And, first, it semys
 that nay; for as we have said it is clere thing that
 Sarrazenis ar the inmyes of all Cristianitee, as haly
 wrytt and law beris witnes; and gif a Cristyn man 15
 ressavit or commonyt with the inmy of God, but
 leve of the soverane lord, he commyttit dedely syn.
 And as we have othir tymes said, a subject is nocht
 haldyn till obey his lord in thing that belangis tynsale
 of saule, quharefore the subjectis ar nocht behaldin to 20
 obey in that thair lord. For be na lawis na haly wrytt,
 thar has na Cristin man nouthir mandement na com-
 mandement to commoun with thame. Item, mare
 stark resoun; every persone that contrairis the com-
 mandement of his maister is manesuarne. Bot ony 25
 man that gevis outhir resset or favoure to Goddis
 inmyes, he dois again the precept of the kirk, and
 the bidding of God, to favour na resset the inmyes
 of the faith, na to entercommoun with thame in na
 wis, And thus ar nocht his subjectis behaldyn to obeye 30
 in that to thair lord. Item, the Sarrazenis haldis nocht
 anerly on were ane king Cristyn, bot all Cristyn kingis.
 Thus, sen thai ar generale and commoune inmy to
 all, ane anerly may nocht geve thame sauf conduct;
 for the lawe sais that the thing that touchis all suld 35
 be approvit and confermyt be all. Bot in this mater,

we mon first and formast have eye to the caus quhy
 this sauf condyt was gevin, for, and it was gevin for
 caus resonable, and it war gif a kingis brothir of Sar-
 razinis war prisoner, and he come to mak his fin-
 5 aunce, or that the king that gevis the sauf condyt wald
 trete the lousing of his brothir quhilk had bene tane
 prisoner in the weris aganis that king Sarrazene, or
 to mak treti, gif ony king Sarrazene wald be at the
 faith, that he wald be assureit to cum to commoun
 10 with Cristyn folk, of the faith, and to tak the haly
 unctioun of baptesme, and othir caus that war lefull
 and resonable, that war than acceptable, and to be
 tholit; bot and he had gevin it for othir singuler caus,
 he suld nocht be obeyit in that, na 3it he suld cum
 15 with power of men that mycht greve the contree
 quhare he come gif him lest on fors. And gif the Fol. 70.
 king Sarrazene come thus on ane unprofitable title,
 the subjectis of that kingis realme, or otheris, mycht
 tak him prissonare and ransoun him, or hald him
 20 and do with him as with the othir inymyes of the faith
 of Jhesus Crist, but lak of disobeysaunce, na that ony
 mycht reprove thame of disobeysaunce, na of per-
 jurement, for sa may thai avow it be the common
 law writtin, etc. For the law sais mare, that gif a man
 25 may fynd ony man berand lettres that ar agayn the
 publyk prouffit of the commoun, quha sa first gettis
 thaim may brek thaim or bring thaim to the justice,
 quhethir him lykis better. And be the lawis, all gude
 Cristyn man suld put of the company of gude Cristin
 30 folk all mystrowand men, all herytikis scismatikis and
 all Lollardis, at all power. And namly, all princis
 that power has ar oblist thareto, be the lawis writtin.

HERE speris the doctour, gif twa lordis in were had [Capitul
 gevin trewis and seurtee for certayn tyme, ilkane till
 35 othir, and the tane of thame had brokyn trewis,

quhethir gif the tothir may lefully brek agayn till
 him; as gif the kingis of Fraunce and Ingland hafe
 maid trewis suorne to be kept for the space of iiij or
 v 3eris, and cas fell that the king of Inglandis men
 tuke placis, and brak the trewis within thre monethis 5
 or four, quhethir gif the king of Fraunce mycht lefully
 brek agayn till him; and it semys wele that sa suld
 he do. For a gude requeris ane othir, and rycht sa,
 ane evill, be the commoun lawis. And als a reugle
 generale is that quha brekis faith, faith suld nocht be 10
 kept to thame. Alssua the law sais that a violence
 bydis ane othir, and biddis bodis. Bot nocht forthy,
 we will sum thing away for the tothir opynioun, or
 ellis war it na were of lawe. For sen it is sa that the
 king of Ingland, durand the tyme of the trewis, is 15
 fals and manesuorn, he has commyttit dedely syn.
 Than quhat wit war it to the king of Fraunce, suppos
 the king of Ingland war manesuorne, that he suld brek
 his lauttee to manesuere him for company, and to
 commytt alssua dedly syn? For haly wrytt sais It is 20
 a fulis autoritilee to say, He has brokyn to me; thare-
 fore I sall brek till him. Than, gif a man had put fyre
 in my hous, suld I put fire in his, it war na wisdom.
 For gif he brekis, and I hald my faith, than has he lak
 and dishonour, and I have honour, and worschip of 25
 faith keping. Men suld kepe faith bathe to frende
 and fa. And suppos my fa brek to me faith, I will
 nocht folow his errour; for all athe aw to be kept
 sa that it may be kept but prejudice to the saule.
 Bot the athe that the king of Fraunce has maid for 30
 to kepe trewis may be kept but prejudice to the
 saule behufe, na forthy, sall he nocht be condampnyt.
 Quharfore he aw to kepe that athe. And tharfore
 as to this debate, certaynly I say, that, gif the king of
 Ingland has brokin the trewis, he is fals and mane- 35
 suorne. Bot sen he has brokin the band first, the king

of Fraunce is lousse of his promess, and is nocht haldyn,
 bot he will, to hald the hecht that he has maid him,
 and but ony breking of ath or manesuering. For the
 law will that, sen he has brokin the condiciouns maid
 5 betuixt thame, he is lousse on the tothir part, and free
 of his band, na has na mare obligacioun till him bot
 on free will; bot he is assoilzeit of his athe, be the law
 writtin; and he may mak him were, but dedely syn;
 and destroy his landis, and contreis, but dishonour or
 10 faith breking. And tharfor, my conclusioun is that
 he aw to hald na trewis, bot to do his best to werray
 him, but charge of syn or schame, for the breking of
 his faith lousis and frethis him, etc.

HERE speris the doctoure, quhethir it be mare ex-
 15 pedient to mak bataill before mete or efter mete. As
 gif the king of France war before the grete citee of
 Alexandrie, with all his power of knychtis and lordis
 that he mycht be; and the soverane of Babilone had
 sett him day of bataill to fecht with him; than is
 20 the questioun, quhethir better counsale war to gyve
 him bataille fastand, or efter mete quhen men ar full
 and blithe. And as to the first advys it semys that
 better war to fecht before mete and fastand, for all
 sik grete actionis that ar doutous standis in the will
 25 and the grace of God; quharfor all princis, and lordis
 and otheris suld sett thair ordynaunce and all thair
 governaunce in him, prayand him to guyde it as lord
 and syre of all bataillis and dedis honourable, for of
 him cummys victory and vailliantis; and be caus that
 30 men ar better sett to Goddis service before na efter
 mete, as us and custum is in all landis to mak prayeris
 and service to God before mete erar na efter mete,
 that men be fillit full of metis and drinkis. As we
 have ane example of Moyses, quhilk fastit fourty dayes
 35 before that he ressavit the haly faith and lawis of God,

[Capitulum
 cvii.]

and syne thai war gevin him. Ane othir example we
 hafe of oure salviour Jhesus Crist, the quhilk before
 that he wald tak the bataill for manniss salvacioun, he
 fastit xl dayes to have victory and maistry of the inmy
 of helle. And God the fader, to ger man lyve ver- 5
 tuously, ordanit Adam oure forefader to forbere and
 hald certane abstinence, quhilk signifyis that glutony
 is a perilous pestilence, and oft tymes revis resoun fra
 the manniss wit and makis him bestly, quhilk is contrair 10
 to bataill. Item, a man fastand is mare wis, mare sub-
 tile, and better temperit na full. Quharfore than, is he
 mare virtuous in bataill to fecht, and has better mynde
 and better memore in all his werkis and dedis. And
 all thir thingis ar requerit in bataill nedely. Quharfore
 clere thing is it that better is before na efter none; etc. 15
 Item, Saule, quhen he faucht agayn the inmyes of the
 peple of Israel, he ordanyt under the payne of dede
 that na man the day of bataill suld ete na drink, quhill
 efter that the sonne war gane to rest. And sa was it
 kepit, and the bataill was wonnyn. Bot ȝit, all thir 20
 resouns nocht gaynstandand, we mon sum thing allege
 for the contrair party. For, as we rede in the haly
 writt, quhen the prophet was sa wayke that he mycht
 no mare travaill, he ete and drank his repas; and efter
 that, in the fors and pythe of that mete, he travaillit xl 25
 dais and fourty nychtis, but ony refectioun. And alsua,
 sais Sanct David the prophet that the wyne blithis the
 manniss hert and comfortis him. And als men may se
 be experience that bathe beste and man is mare stark
 and forcy be ferr to travaill and labour quhen thai ar 30
 wele fed na quhen thai ar cutyt, quharfore I say, as
 my entencioun servis me, that gif the folk had bene
 wele at es before the day of bataill, and haldin at es
 and welth of mete and drink, and out of our grete
 calde and hete governyt, and wele restit, I traist it 35
 war better fecht in bataill before mete na efter mete,

Nota.

Nota.

for mony causis before namyt. Bot and thai war nede bestad of lyfing, and nocht haldin at es na at rest, I wald counsale that thai war refreschit with bathe mete and drink resounably, and reconfortit.

- 5 **H**ERE speris the doctoure; quhethir gif bataill in listis may be lefully haldyn before the ladyes. As thus: the king of Fraunce is in weris apon Goddis inmyes, and twa knychtis of Fraunce ilkane appellis othir of bataill before the quene: quhethir gif this
 10 bataill may lefully be done or nocht before the quene, sen scho is in his absence governand the realme. And the tane of the knychtis sais to the tothir that he is traytour to the king, and thareapon has gevin his gage of bataill. The day of bataill is sett, the quene cummys
 15 thare as juge to sytt and determyn the mater be hir and hir counsale. Than is the questioun, quhethir this may lefully be or nocht. To the quhilk questioun I ansuere, first, that scho may nocht be juge in this cas. For the law sais that it sittis nocht till a womman
 20 to mell hir with the thingis that pertenis to jugement of men be thair nature, and this is lawe commoun, and namely, in fete of jugeing of weris; and sen women be the law commoun ar repellit, and by put, us think that the quene may nocht be juge in the cas. Item,
 25 be law of nature, it aw nocht to be. And, first, be a persuasioun of argument, to cum better to my purpos, I say that a thing that is of lawar condicioun may nocht be juge till ane thing that is of hyar condicioun. But suthe it is that man is of hyar nature and condicioun,
 30 and mare noble na the womman is. Quharefore scho may nocht juge the man. And 3it mare stark resoun sais that the law will nocht that a persoun that is subget till a soverane be juge but ordynance of jugement pertenant to the soverane. Bot sen it is
 35 clere thing that the womman is subject to the man,

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cviii.]

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and sa may scho nocht be juge in thing that touchis
 the soveranitee. And now as to this mater, I ansuere
 that certaynly as is before allegit be the lawis, thare
 suld na womman be juge of thing that pertenis to
 mannis jugement, and specialy of bataillis na of weris, 5
 but ordinaunce or speciale commissioun of the prince.
 And this is law writtin. Or othir wayis, we may say,
 gif of alde tymes be custumes of the countreis that
 men usis commonly, it is than lefull and resonable
 that wommen hald jugement, for the law sais that 10
 custum gevis oft tyme jurisdiction. And gif ony man
 wald mak ane argument sayand that ladyes na gentill
 wommen can nocht wele juge in dede of armes, quhar-
 fore it is nocht semand to sett a persone to be juge in
 materis that thai ken thame nocht in, to the quhilk 15
 argument it is sone ansuerd—That is small deficultee,
 for ilke wele wittit persone may wele understand that
 quhare ever a quene be, scho is nocht but lordis,
 barouns, knyghtis and squiaris, and worthy men of
 were and of armes quhilkis can geve hir honourable 20
 counsale in sik materis. Quharfore I conclude that
 a quene may wele be juge in gage of bataill, and namely,
 sen governaunce was left till hir. And suppos it had
 nocht bene specialy commyttit till hir, efter the custum
 of the contree ony womman may be juge in hir awin 25
 lordschippis.

[Capitulum
 cix.]

HERE speris the doctoure, gif that the Quene Jounelle
 of Napples micht rychtwisly affaile the King Lowis of
 Cicile. And as to this mater, we ar cummyn nocht
 anerly for the declaracioun of this were be langand 30
 Quene Jounelle. For sum of the wys men of the
 counsale of Provence sais that the said Quene Johanne
 mycht nocht put by the lyne of the successioun fra
 the rycht airis to the King Lowis. And tharfore, first
 of all, we mon se and consider quhethir the dignitee 35

royal may cum be successioun to wommen; and tharby
 may we wit quethir the successioun of the realme of
 Napples may cum to the Quene Jounelle, and in that
 gif scho mycht lefully [] the King Lowis be
 5 that rycht. Bot as of this mater, we ar out of were
 of Fraunce, for the opynioun of Tholomien. Efter the
 decess of King Philippe of Fraunce, it was determynit
 be hale consent and determinacioun of the realme, that
 never women suld succede to the ryaltee of Fraunce.
 10 And tharfor send thai out of Fraunce fer of to feche
 hame Conte Philippe of Valois to be king, be caus
 that he was nerest of the lignie male of the blude
 ryall of Fraunce, and excludit the kingis awin sister
 of Fraunce, quhilk was Quene of England, and hir Nota.
 15 barnis. Bot as of oure realme of Nappleis, there is
 mare regarde; for the realme of Fraunce is nocht
 subject to na man in this erde, bot governis be
 nature; and the realme of Napples is haldin properly
 of the pape, and of haly kirk, as of the verray patrim-
 20 moyne of the pape; and the chef till it is Sanct Petir
 and Sanct Paule. And is ay governyt be condiciouns,
 the quhilkis is foundin in writtis off alde stories, that
 quhat ever he be that is king of Napples mon in his
 begynnyng mak speciale aith and oblißing to the pape
 25 as specale lord soverane till him, to kepe all condiciouns
 and covenantis that was wount to be kepit till him as
 hede and soverane. And thus is the pape full lord
 and soverane prince of Nappleis, bathe in spiritualtee
 and in temporaltee. Than may the pape, and he will,
 30 geve gude consent to the Quene Jounelle, and gude will
 to put the king Lowis in the rycht lignie of successioun
 of the kynrike of Napples. And as to the argument in
 the contrary, thai that ar adversaris to the said King
 Lowis and Quene Jounelle, in quhilk thai say that the
 35 ladyes may nocht be the lawis affails to thame na
 barnis. That is till understand, to tak at thair ple-

saunce a childe, and mak him thair aire, takand him
 for a conquest bairn, quhen thai have nane of thair
 awin generacioun, quhilk is callit in the lawis adop-
 cioun; that is to say, nere thareby, for fault of language,
 a conquest barne be favour and luferent, quhilk thai 5
 allege a lady may nocht be the lawis mak till hir. Bot
 this argument is lytill gude worth to bynd the pape be
 the Emperouris lawis, to quhilkis he is nocht subject.
 For, nocht gaynstandand that, be the law civile, a lady
 may nocht mak a tennand of hir auctoritee till hir 10
 soverane but his leve, or ellis scho forfettis till him,
 jit nocht than the pape, quhilk governis be the lawis
 of God and haly kirk, may geve consent to mak quham
 hym lykis, sen he is soverane lord bathe in spiritualitee
 and temporalitee, and may dispens with the party. For 15
 all lawis ar till him opyn, to bynd and lous at his will;
 and it is bot of permission and tholaunce that he tholis
 mony poyntis to be done in the Emperouris lawis, etc.
 Bot jit, there is ane othir argument that the party
 contrair thinkis mare stark, as thus: Thai war thai 20
 tymes in were of twa electiouns quha suld be pape;
 sum said pape Clement, sum Johnne. Bot thai
 graunt wele that efter the decess of the twa sisteris,
 ladyes of Duras, and of Artalis, the pape, quhasa be
 pape in the tyme, may geve the richtis of thai twa 25
 sisteris to quham him list, or to King Lowis gyf him
 lykis. Bot to this argument thare is a gude ansuere;
 for had the moder bene dede—the Quene Jounelle,
 than mycht this resoun have had fete to stand on.
 Bot sen the Quene was on lyve, and in lege poustee, 30
 this argument has na foundement. For quhen the
 Quene Jounelle saw the fals feyned traisouns of thai
 twa ladies housbandis, lordis of Duras, and of Artais,
 the quhilkis wald avow a fals pape, and mak thair
 adopcioun be him, with his consent that was nocht 35
 rycht pape, bot it is wele kend that Quene Johnnet,

quhilk helde of the rycht pape Clement, gert declare
 thame as erratykis and traytouris scismatykis, and
 undo all that was wrocht aganis hir. And maid new
 adopcioun be the verray pape Clement, quhilk was
 5 foundyn traist, trew and faithfull, be the quhilk scho
 gert geve him, be the verray pape Clement, all the
 rychtis of the said realme, and gert the pape deprive
 thame of all the rychtis, and coloure of rychtis that
 thai pretendit to have, for evermore, bathe him and
 10 hir; and all othir that pretendit to have rycht in the
 said realme. And suthe is, and wele is kend that
 the pape Clement was than verray pape. And the
 said Quene Jounelle was declarit of his obedience of
 lang tyme but varying. And as of Provence, thare
 15 was never dout; bot thai help ever with the rychtwis
 pape. And sen, that realme is governyt be condiciouns
 of the pape, and under his obedience, and tharfore,
 for dout that the realme suld be mysgovernyt, the
 pape hastit to mak provisioun of a king, for the
 20 governaunce of wommen but men cummys oft tymes
 to confusioun. And 3it we suld nocht anerly will
 that the pape suld se for hasty provisioun, and remede
 of misgovernance of realmes subject to him, bot
 alsua of all realmes and regiouns in Cristyndome he
 25 suld help till amend the governaunce, quhen nede
 war, and to reforme dedely syn and vicis, And, maist
 specialy, apon the empire, quhilk for caus he may
 change at his will. Bot trewly, as to the successioun
 that the pape has maid with the consent of the Quene
 30 Jownelle, I traist it be bathe lele and lauffull, haly
 and just, and sall tak gude increment and mak gracious
 end, God willand, etc.

Fol. 72.

HERE speris the doctour, gif it be leufull and lau-
 full to vage bataill in lissis, as quhen a man appellis
 35 ane othir of bataill in lissis, that is to say in barreris.

[Capitulum
cx.]

Nota.

And be caus this mater is rycht doutous to knaue,
 for perile of the saule behufe, it is spedefull and rycht
 proffitable that it be declarit till ignoraunt men that
 ar nocht expert in the lawis; for the grettest clerkis
 ar in grete dout and questioun in that mater. And 5
 tharfore I will sett me till enquire all the cas that
 law levis gage of bataill in. Bot before or I schaw
 thir casis, I will first prove opynly that gage of bataille
 be all lawis is forbedyn expressely, bathe in Goddis law
 and mannis lawe, in commoun lawe and canoun lawe, 10
 and als, be gude resoun naturale, quhilk is callit lawe
 of nature, and als, be the law civile to geve gage of
 bataill or to tak. And for sik querele, to fecht is a
 thing condampnyt bathe and reprovit be all lawis. And
 first and formast, I preve it be resoun naturale. For 15
 gage of bataill cummys ay of forethocht felouny. Bot
 naturally all maner of creature naturale has a passioun
 of nature that is callit the first movement; that is, quhen
 a man or beste is sudaynly stert, thair naturale inclin-
 acioun gevis thame of thair complexioun to a brethe, 20
 and a sudayn hete of ire of vengeance quhilk efterwart
 stanchis efter that hete. Bot bataill taking cumis of
 lang forset and forethocht purpos of malice that is nocht
 naturale to man. Item it is a thing reprovit of God
 and of his lawis, and condampnyt. For quhy, all thing 25
 that men temptis God throu is condampnyt be theo-
 logye, as sais Salamon Invenitur ab hiis qui non
 temptant illum. Item, Achas pete tibi signum a
 Domino Deo tuo in profundum aut in excelsum, et
 dixit Achas Non petam, et non temptabo Dominum. 30
 Thus, sen it is condampnyt of Goddis law, quhy suld
 it be tholit? For the men wenys that God, for thair
 crabitnes, will help to save the man that has gude rycht
 agayn the tothir, and ger him wyn, and that is agayne
 the haly scripture. For he sais expressely, he will nocht 35
 the dede of the synfull man, bot erar that he lyve, and

mend his lyf. Than is nocht to presume that he will do again his sawe. For it is condampnyt be all lawis to inquere be experience quhat God will do till a synfull man. And, als the haly scripture sais, that
5 the ire of man schawis nocht the rychtwis judgement of God. Item, it is ȝit mare agayn nature ; for oft tymes the starkare has the wrang, and puttis the waykar to the wer. For it is agayne nature that the waykare wan the starkare. Als, it war alsmeikle to say
10 that God suld for mannis querele schaw the rycht, as God suld at synfull mannis request kythe miracle ; and that is opyn tempting of God, the quhilk is again Goddis lawe. And that it is aganis mannis lawe I sall preve. For mannis lawe will never consent that ane innocent
15 be punyst, and ane that is culpable pas unpunyst, for that ware again all gude faith, quhilk is the foundement of mannys lawe. Item, be the law civile I sall preve that it is condampnyt. For the lawe civile sais, that na man suld be juge in his awin cause ; for than war
20 he bathe juge and party, quhilk is express agayne all lawis bathe civile an canoun. Alssua, it is forbodyn be the lawe, that ony man suld be witnes in his awin cause, the quhilk he ingeris him to be that wagis bataill, sen his awin persone is a pruf. And law civile has
25 ordanyt all folk to move plede for thair accioun, and to lede sufficient provis thareapon, ane or twa otheris na himself of unsuspect lafull witnes. And thus is it clere that it is again the law civile. Bot that it is aganis the law canoun of haly kirk I sall wele preve ; for quhy,
30 the law canoune biddis us lyve be the ordynaunce and commandement of haly kirk ; and nocht excede that commandement, and of oure haly fader the pape of Rome. Bot oure haly fader and his lawis reprufis and condampnis all purgacioun vulgare ; that is to
35 say be fyre, or watere, or blude ; and expressely condampnis and forbidis that maneris of provis, of bataillis

in liss or justis of were, forbedand that never be that forme men suld procede.

[Capitulum
cxi.]

Primus
casus belli.

HERE speris the doctour, in how mony syndry casis law tholis vageing of bataill, sen it is playnly provit that be all lawis, bathe goddis law and mannis law, 5 canoun lawe, civile law and naturale lawe it is a thing condampnyt and reprovit to vage bataill. Than will he schaw in how mony maneris that the warld has ordanyt be thair us and custum that is all contrary till all thir foresaid lawis, how thai devisit and ordanyt cer- 10 tane casis the quhilkis the law tholis, bot nocht levis men at the plesaunce of princis and thair appetite of thair curagis to wage bataillis. And as to that, I have herd the doctouris; and I fynd bot few of anciene lawis of Emperouris, that puttis bot twa casis. The 15 first is, that, gif the kingis of Fraunce and Ingland had maid pes togeder, and thare had a Franche man slayne ane Inglis man, in the tyme of pes, efter it war wele and clerely knawin till all men; and he war summond at instaunce of party before the king, and the 20 Franche man allegit that he did it in his defence, and thare war na provis othir na him self, the lawe in this cas levis bataill to be gagit thareapon.

[Capitulum
cxii.]

Secundus
casus belli.

Ane othir cas is, gif a man of a kingis had woundit ane othir under trewis maid betuix kingis, and he wald 25 allege that he did it in his defens, rycht sa suld it be tholit, gif it mycht be on na wys othir wayis provit. And treuly thir ar all the casis that our maisteris the doctouris schawis in the lawis of Emperouris. And 30 jit ar thir callit the lawis of the Emperoure Frederyk. Bot jit is thare othir lawis callit lawis extravaganis, that is for to say lawis vagaboundis, that ar nocht incorporit in othir bukis of lawis of Lombardy, the quhilkis ar callit lawis Lombardes, the quhilkis us in that contreis, and otheris efterwart takis the custumes fra thame, quhilkis 35

puttis mony otheris casis in quhilkis men may wage bataill
in lissis be thair custumes, and sa enter in clos barrit
felde of bataill, as now is usit be princis commounly, Fol. 73.
be us and custum, and nocht be lawis; the quhilkis
5 casis cummys efterwart, ilkane severaly be thame self.

HERE puttis the doctour the thrid cas in the quhilk [Capitulum
lawis tholis bataill in lissis: as gif a man cummys before cxiii.]
his prince, sayand on his falowe, that was sett for his
undoyng and slauchter, and that sall he preve on him,
10 telland the maner how he wald have poysonde him,
or othir wayis be subtilitee put him to dede, and nane
wate it bot he himself, na may nocht othir provis gett
as to that mater: be thai custumes he aw to defend
his querele be gage of bataill, and enter in clos barreris
15 as custume is, etc. Tertius
casus belli.

HERE puttis the doctour the ferde cas in the quhilk [Capitulum
bataill in listis is permyttit: as thus, in Lombardy, men cxiv.]
tholis gage of bataill to pas gif a man chalangis his wyf
that scho has ymagynit and devisit his dede, outhir be
20 poyson, or tresoun, or othir sutelte, or in sum secrete
maner devisit his dede, and ane of hir frendis cummys
quhen scho is accusit of this in jugement, sayand that
it is fals and untrew, and that sall he defend with his
body, for the honoure of the lady, or othir womman
25 quhat ever scho be, that is and was ever haldyn honour-
able, and na pruff tharof may be had. In this cas the
law tholis the ladyes frendis to appelle the husband or
othir that accusis hir of this crime mortalle. Quartus
casus belli.

HERE declaris the doctoure ane othir cas efter the [Capitulum
30 lawis of Lombardye, in the quhilk, law tholis bot nocht cxv.]
levis bataill in listis be vagit. That is to say, gyf ony
man has slayne ane othir secretly and hidlynes, that
na man wate, bot be presumpcioun vehement and in-
Quintus
casus belli.

evitable, and he wald graunt quhen he mycht na forthir, and say he wald have slayn him, and that he did it in his defendand. The law levis him to defend be bataill in listis, gif ony man will accus him tharof and put his body tharfore. 5

[Capitulum
cxvi.]

Sextus
casus belli.

HERE puttis the doctour the sext cas in the quhilk law Lombard tholis that bataill be vagit in listis ; that is for to say, that quhethir it be in tyme of were or pes, or trewis or na trewis, quhat ever he be that slais a man murtherably and secretly, suppos he say he did it in his defens, he salbe herd to defend him be bataill gagit in a clos felde callit barrieris. 10

[Capitulum
cxvii.]

Septimus
casus belli.

HERE declaris the doctour ane othir cas in the quhilk the law Lombard levis a man to vage bataill in listis ; that is for to say, that gif ane man suld be aire till ane othir, and have the successioun of his gudis for falt of nerar airis of his frendship, and he had bene murderit secretly be ony wikkit men. And men had him suspect of the gerryng sla him be his menys, or his giftis and his counsale, sa that the gudis or his heritagis suld cum till him, and he war accusit tharof be ony of the frendship : he mycht defend him be gage of bataill, to defend his ignoraunce and innocence of that cruell dede, etc. 15 20

[Capitulum
cxviii.]

Octavus
casus belli.

HERE puttis the doctour the auchtand cas in the quhilk law levis a man to defend him be bataill in listis, in the landis of Lombardye ; as thus, gif a lord has a bonde man that is accusit of thift the quhilk may nocht be provit be opyn pruf, gif the bonde man wald, or his lorde for him, defend his innocence and ignoraunce, he may be tholit be the lawis of armes of Lombardye to defend him be gage of bataill in listis. 25 30

HERE declaris the doctour ane othir cas in the
 quhilk the lawis of armes of Lombardy permyttis and
 tholis vageing of bataill in lissis ; as thus, gif a man has
 despyte at ane othir, and wald gladly fynd a fault till
 5 him of crime famous, and as men kennis, in the landis
 of Lombardye men ar rycht jelous of thair wyfis, gif
 a man wald accus ane othir of the crime of adultery,
 quhilk is crime mortall in that contree, till have haunit
 a maryte woman, and he wald purge him thare of his
 10 innocence, the lawis of Lombardye levis him to vage
 bataill in that kynde.

[Capitulum
cxix.]Nonus
casus belli.

HERE declaris the doctour ane othir cas in the
 quhilk men may vage bataill in listis be tholaunce of
 the lawis of Lombardy. As thus, gif a woman be
 15 suspect of adulterye secrete, and tharof war accusit
 be her housband, or ony of his frendis, and sum othir
 of hir frendis wald to sauf hir honour, gaynsay the
 crime and put his body tharfore, that knewe the
 gudeness and the worthynes of the woman—or lady,
 20 or quhat scho war, the quhilkis ar oftymes blamyt for
 envy and despyte, but caus of crime, mare na is
 blamyt for ony suthfast crime, or caus in dede bot
 be suspeciou. Item, gif the womman had never
 bene maryte, na had husband, alswele is the lawe
 25 opnyt for hir, gif ony wald sett crime on hir, suppos
 the charge be nocht sa grete as it is for maryte women,
 gif ony frende on hir behalf walde defend hir honour,
 be the law Lombard, he salbe tholit to vage bataill to
 defend hir honour.

[Capitulum
cxx.]Decimus
casus belli.

30 AND 3it forthirmare puttis the doctour ane othir cas
 in the quhilk the law Lombard permyttis and tholis a
 man vage bataill in listis. As thus, gif a man had tane
 possession of ony gude moble or unmobile, and bene
 in pesable possessioun xxx 3eris ; and efter that, a man

[Capitulum
cxxi.]Undecimus
casus belli.

wald say that he had optenyt that gude be a fals wikkit maner, and unlefully, ande thar apon will cast his gage of bataill, be thair lawis Lombardes he suld be herd. Bot all goddis and mannis lawis ar in the contrar; for efter xxxth 3eris he aw nouthir till ansuer bataill na othir 5 process, for the tyme prescryvis of lawe.

[Capitulum
cxxii.]

Duodecimus
casus belli.

HERE declaris the doctour ane othir cas in the quhilk gage of bataille is tholit be the lawis of Lombardy. As gif twa men has a debate togeder, and the tane of thame producis his witnes, ande thai deponis; 10 and the tothir producis the samyn witnes, and thai depone, and in thair deposiciouns ar fundyn variable ony of thame, for favour or fede, or aw or mede; and ony of the tothir witnes will appelle him that varyis of bataill, he is tholit tharto. 15

[Capitulum
cxxiii.]

xiiij^{us} casus
belli.

HERE declaris the doctour ane othir cas in the quhilk the lawe levis bataill to be vagit be the custumes of Lombardy. As thus, gif a man cummys till a merchand that is mychty and 3ong, and sais him that his fader aucht him a thousand nobleis, or othir grete 20 soume of gold, and that he is his heritair, and has his gudis and his richness, sayand alssua that he has tynt his evidencis and obligaciouns, and he deny it, the tothir salbe herd and tholit be the custumes to vage bataill on him. 25

[Capitulum
cxxiv.]

xliij^{us} casus
belli.

HERE declaris the doctour 3it ane othir cas in quhilk gage of bataill is tholit be the custumes of the said Lombardy. As thus, gif ony man wald say on ane othir that he had prively put fyre, be a fyre ball or othir wayis, in his hous in the contre, as grangis, bernis 30 or stakkis of corne, or hay or wod, or othir thingis, and he deny it, the tothir may mak appellacioun.

HERE declaris the doctour ane othir cas in the
 quhilk be the said custumes of Lombardy it is tholit
 to vage bataill in listis. As thus, gif a man has despyte
 at his wyf, for haterent of hir, or luferent of ane othir,
 5 and he wald wyn fra hir hir dowar, and he propone
 aganis hir, or ger accus hir of ony crime of adultery,
 and scho wald save hir honour and purge hir tharof,
 hir frendis that lufis hir and kennis the gudeness and
 the worthyness of hir persone may vage bataill for hir
 10 innocence and salbe herd, etc.

[Capitulum
cxcv.]xvius casus
belli.

Fol. 74-

AND 3it the lawis of armes of Lombardy tholis vage
 bataill in ane othir cas. As thus, gif a man accusis
 ane othir that, for despyte and evill will, and vilany,
 he has fundyn the way to ly with his wyf agayn hir
 15 will to defoule hir and schame hir. And ony of hir
 brethir or othir frendis or consingis will sett thair body
 tharefore, thai salbe herd and admyttit be samyn
 custumes.

[Capitulum
cxvii.]xvj casus
belli.

AND 3it is thare ane othir cas in the quhilk the law
 20 Lombarde tholis bataill in listis be vagit; that is for to
 say that, gif a man hatis ane othir, and sais that he is
 manesuorne, and be that wald mak him unhable to
 stand in pruf na witnes, gif he or ony of his wald defend
 his honour and schaw his innocence, he salbe tholit be
 25 the said custumes.

[Capitulum
cxviii.]xvii casus
belli.

AND 3it ane othir cas in quhilk law Lombard tholis
 bataill in listis. As thus, gif a man sais till ane othir
 that he was in lawfull possessioun of ony thing, and
 that the tothir had evill and falsly put him furth of
 30 his possessioun; and the tothir sais that he had the
 said possessioun before him of the said thing, and that
 will he defend, sayand that he had possessioun before
 him and that he put him out evill and falsly of his

xviij casus
belli.

possessioun, thai salbe bathe herd and tholit be the lawis of Lombardy.

[Capitulum
curvili.]

Nota.

HERE declaris the doctour how that the bataillis in barrieris ar nocht ay done be the principale personis, bot be thair deputis, souldiouris, or campionis. As 5 thus, it is ether to wit that mony of sik bataillis particularis ar nocht ay maide be the principale partis contrairis. For quhy thare is sum tyme certane resoun, and caus resonable, that excusis the partis to nocht do the bataillis be thair awin personis; as gif 10 a man war our 3ong, within elde of tutry, and curatrye in warde. Alssua, all persones of dignitee suld put a campoun for thame; or a man past grete age that for elde war excusit; or ellis that a man war seke that he mycht nocht bere armes; or gif a man wald allege 15 custum of contree that he mycht put a campoun for him; or gif a fule man wald ourthraw a woman; or gif a bonde man wald allege that his lord had fred him, and tharto wald offer his persone to fecht with his awin lord, he sall nocht be herd aganis him, suppos he wald 20 vage bataill, sayand that of all bondage and thraldome he had fred him, and had nane othir witnes bot his persone, bot he suld put a campoun for him sik as efferit. Item, a clerk, and he war appetit in bataill, he aw nocht till ansuere in persone, na 3it be a cam- 25 pioun, bot at his awin list. For the lawis canoun ar all in the contrair, and theologie, that, suppos he wald, thai will nocht thole him. For suppos he war sa fule hardy that he wald sett on aventure, the prelate ordinare wald curs him, and deprive him bathe of office and 30 beneficis. And 3it mon we wele understand in quhat nature cummys thir particulere bataillis. For it is clere thing till understand that thai schaw a figure efter the nature of jugement. For as jugement is done before a juge be a provour and a defendour and witnes, sa 35

is the bataill in listis. For the witnes ar the wapnis,
and armouris, and grete strakis quhill ane be doune.
And that man provis best his caus, for his witnes is
approvit be the grete Juge—in quhat kynde God wate.

- 5 Bot syne cummys the sentence that is terrible for the
tane. And ȝit as langand ane erle, and he be appetit
of bataill, he aw nocht till ansuere in persone, bot he
sall ansuere be a campioune in his stede, and fecht in
felde for him, with him that clamys him or appellis him.

- 10 **H**ERE speris the doctour, quhethir the campions in felde fechtand suld mak ane athe, and, gif thai suld
suere ane athe, in quhat kynde or maner thai suld suere,
and in quhat forme. And as be the first advys, he
haldis that thai aw nocht to suere. For quhy it that
15 the mare may nocht do, it is to presume that the lesse
may nocht do that, as we fynd nocht in na writtis, that
bataillis generales betuix twa kingis makis nane athe;
quharfor than suld thir bataillis particuleris mak ony
ath? Bot this argument is bot lytill worth, for the
20 tane is generale, and ilke man in generale may nocht
be chargit with athe, na nocht ilke man knawis nocht
the foundement, na the proves; for sik were is ordanyt
be counsale, and jugit be kingis to be maid that takis
the weris on thair conscience, and that is grete athe
25 ynouche. Item, bataill particulere is ay for hid caus
that may nocht be kyd opynly. For and it war kend,
that nedit thare na bataill. And tharfore ger thai the
parties suere, that thai may be kend wenand thame
self till have rychtwis caus and querele. And this is
30 callit in lawis of Lombardy the jurement of calumpny,
that is gevin in the entree of all pledis. For the pro-
vour sueris that he traistis that he has rychtwis caus.
And the tothir sueris that he trowis till have rycht de-
fens. And rycht in the samyn wis dois men in bataill
35 closit. Bot thare is suteltee and maner to tak this

[Capitulum
cxxxix.]

jurement. For gif a man proponis aganis ane othir that
 he has slayn his fader, he suld suere be his athe that it
 is sa suthely, be alde doctouris. Bot, be the opynioun
 of the doctouris oure maisteris modernis, it is nocht sa
 understandin now. Bot it may suffice to say, be his 5
 lautee, and be the ath of his body, and be the sayntis of
 God, I wene I have rychtwis querele aganis the, for I
 traist thou has slayn outhir fader, brothir or cousing.
 Bot and a man said till ane othir, I have grete suspicioun
 aganis the, that thou slewe my fader, broder or cousyng, 10
 or that thou has defoulit my bed with my spousit wyf,
 and that sall I preve apon the, as law of armes will.
 Than suld he nocht mak his athe sayand he wate it wele.
 Bot he suld say he traistis fermly it be sa, na he suld
 nocht suere that he has just caus aganis him, for that 15
 querele of suspicioun that he has aganis him. Bot he
 suld say before the prince, that he traistis that he has
 gude querele, and namand the caus. Bot the prince
 or juge suld be wele avisit in that mater; for gif the
 provour allegis that his fader or his frende had bene 20
 slayn sik a day, or sik a nycht, in sik a place, and the
 defendour mycht preve be sufficient witnes that he was
 that day in ane othir place ferr fra thyne, his appella-
 cioun war of na valour, for it war impossible till him to
 be in twa placis. And alssua all princis and jugis of 25
 bataille suld be wele avisit and wele counsailit in quhat
 kynde thai geve bataill in listis tholaunce to pas. For
 gif thai geve leve of bataill till fulis and sottis that
 for a lycht caus, but ony resoun or rycht, or just caus
 quharfore bataill is tholit, it is a grete lak to thame. 30
 For thai suld nocht admytt ilke foule caus that un-
 knawand men wald for lytill evin allege, for fede or
 despyte, envye or for mede, or othir caus of lycht evyn.

Fol. 75.

[Capitulum
cccc.]

HERE speris the doctour, gif a man past the date of
 age mycht put lefully a campoun for him in felde, and 35

nocht to fecht in propre persone, as we have of before
of lordis and all personis of dignitee, how thai may put
campionis for thame, and of syndry othir privilegit
personis. As, gif he may sett ane for him, gif that man
5 suld be quhat kyn a man that him list at his plesaunce.
The quhilk campions ar lyknyt in bataill of barrieris as
procuratouris ar in pledis and process of justice ordinare,
or as advocatis, and of thame beris the figure; the quhilk
office of procuratour ilke persone may bere that law
10 levis expresssely, and sa is it of campions. For quha
ever lykis to be a procuratour, sa that he be hable
tharfore, may be it; bot gif statute or custume, or othir
lawis of the contree gaynstand, as to mak a thef, or ane
infamyt persone, the quhilkis may nocht be campions.
15 And the resoun is, for suppos a defamyt man war vencust
in bataill, men wald say it war nocht the rychtwis querele
of the tothir part that gerris him wyn the felde. Bot
the syn of the tothir part that puttis him abak, and
gerris him tyne the felde, the caus and the honoure.
20 For ofttymes innocentes has scathe for evill company,
and sa me think that ane infamous persone suld nocht
be tane for campion.

HERE¹ speris the doctour, gif campions may fecht
be thair awin consent, but clos felde of barrieris, and
25 but juge to juge the caus. And as to that mater, suppos
sum men wald say that it mycht be, sen the parties ar
accordit tharto; certis, I say, nay, that it may nocht be.
For be the lawis we say that, It may be, that, be the law
may be. Bot, be the lawe, the cas appertenis to the
30 prince, but ordynaunce and leve of quham the bataill
may nocht be jugit na permyttit. And thus aw the

[Capitulum
cxxxv.]

¹ The next six chapters are here placed according to their order in the MS.—viz., cxxxv., cxxxii., cxxxiii., cxxxvi., cxxxiv. They are numbered in the margin according to their enumeration in the Contents, p. 98.

lord to kepe the felde, and se that rycht war done till every part, severaly and junctly, efter the discrecioun of him and his counsale; and that the parties be soure of all otheris evill-willaris that takis part in that cas. And quhen thai ar in felde, fra the cry be maid, thare 5 na man speke, na takin na signe mak, undir grete paynis, but leve of the prince, the quhilk suld discretly juge at the parting quha has the victory or the lyklyare, and sa to procede furth to the conclusioun, efter the lawis of armes of the contree. 10

[Capitulum
CXXI. See
footnote, p.
267.]

HERE speris the doctour, gif a campiou brekis his suerd, quethir gif men suld geve him ane othir; as gif a man wald inquire amang men of armes gif gude faith and custum wald thole that be done, the quhilk be the lawis of Ingland is a grete were, as he sais. Bot as to 15 the maner of the armouris, I can nocht set na fassoun for changis efter the custumes of realmes. Bot as to the wapnis, he speris gif resoun and gude faith wald, quhen ane had brokyn his wappin, gif he suld have ane other, or gif his wappin schot out of the barrieris be ony 20 cas of aventure. And, as be semblaunce, it semys that sa suld it be. And the resoun quhy is for, as we have said before, the armouris ar figurit the witnes, as in process of law ordinare, be the moyen of the quhilkis ilk ane of thame thinkis to prove his entencioun, and 25 quha that best witnes has and best schawis, for the maister beris the pris away. And sen it is sa, in lawis ordinaire, that quhen I have led a certane of witnes, gif me think I mister ma, I sall have leve to produce ma, ay, quhill twys, thris or four tymes, gif nede be. And 30 gif ane of my provis failis me in lissis, quhy suld I nocht be privilegit to bring ane othir? As, gyf my wapin failis, I suld ger get ane othir. Bot as to this mater to ansuere, properly be resoun it is nathing lyke. For gif the suerd or othir wappin of the ta part failis, or fallis 35

fra him, or that his party advers takis it fra him of fors
 or slycht, throu his foly or misgovernaunce, it war na
 resoun he had ane othir. Bot, and his suerd for sum
 alde fault, or new beand, in the self wapin, nocht in
 5 his default, war brokin in the felde fechtand, me think
 it war wele accordand to resoun that he had ane othir,
 sen it was nocht for male engyne. Bot in sik cas,
 extravagantes that cummys of aventure oft tyme, men
 takis thame be us and custum anciens of contreis, and
 10 as it semys to the prince and his counsale maist
 spedefull be resoun.

HERE speris the doctoure, gif it befallis that the
 juge may nocht gett be rycht knaulage quha has
 the better quha the unlykliar on the first day, for
 15 schortnes of tyme, quhethir gif thai aw to cum agayn
 upon the morne to fornys the remaynand of the bataill.
 And as thareto, treuly, I say, that thai aw to cum
 agayne on the morne in that cas, for all justice is sett
 with continuacioun of dais, for that is the commoun
 20 opynioun of all, bot gif the prince or his juge mak
 othir appoyntment of thair accorde, or contynuacioun
 till sum othir certane day efterwart. For it is under-
 standin in all bataill clos that it suld ga to the utterest,
 bot gif the prince put his power betuix the parties be
 25 grace, favour of accordaunce, or delayes, or ellis that
 the parties or the frendis on aithir sydis sett remede
 of gude acorde and frendship. Or ellis that the
 maner of the bataill be tane under certane condicioun
 of tayllid strakis. Bot in all sik bataillis mortale the
 30 princis and thair jugis suld be ay misericordes, and
 full of clemence and pitee of manis blude sched-
 ding, and of perdicioun of bathe saulis and lyfis, the
 quhilkis in all syk dedis of armes standis in grete
 weris.

[Capitulum
 cxxxii.]

HERE speris the doctour, quhilk of the twa cam-
 piouns, the provour or defendour suld stryke the first
 strake, sen thai ar in clos felde, and be ordynaunce of
 justice suld feicht. For, as we have said of before
 this, in oure othir weris of law, that this bataill in clos 5
 felde is figurit to the semblaunce of a plede that is
 maid before a juge ordynare in a plede hous, and has
 the procuratouris and advocatis at thair awin plesaunce
 to speke for thame, and that in sik process the provour,
 that is the demandour that makis the clame, suld speke 10
 first and mak his clayme, and the tothir suld ansuere
 him. Rycht sa suld, be the samyn maner, the de-
 mandour that is provour first stryke, and the defendour
 ansuerand him agayne, as the caus requeris, be ane
 othir strake. Item, a mare stark resoun 3it sall we 15
 mak : for, as men wate, he that makis the demaund and
 questioun, he is the assaillour, and he that ansueris is
 the defendour. Now gif he that is defendour strake
 first, he gais agayn the nature of the clame. For that
 war na defens, bot erar assailing. Quharfore we say 20
 that the demaundour, that is the provour, suld first
 strike, for thare is na defens bot quhar thare is first
 strakis gevin. Bot treuly as in materis, nocht gaynstand-
 and that the resouns ar gude and fair, and that mony
 of the wys doctouris haldis this opynioun, 3it me think 25
 in this mater that in all cas it suld [nocht?] be sa con-
 cludit. For, be all lawis, the law of nature has pre-
 rogatyf, and preexcellence. For thare is na man in the
 warld that be naturale resoun suld byde his dede,
 seand it cum till him; bot he suld prevene it, and he 30
 mycht. And sen a man seis his fa cum to geve him
 mortall woundis, bot he wald, be way of naturale
 defence, prevene the strakis, and geve him the dedely
 strakis first that he schapis till him; for, and he baid
 the strake wilfully, peraventure the strake mycht be sa 35
 grete that it wald be his dede. And all man is haldin

to defend him at all power fra the dede, be all lawis. Tharfore me think he aw nocht to byde the first strake of the demandour provour; for it is to se that the provour has begunnyn his clame ferr ynouche quhen he
 5 has first maid his clame, gevyn his gage, and cummyn bodyn in felde, and syne schapis him strakis in maner and fere as he wald sla him. For and a man of sudane chandemellay saw ane othir drawe his wappin and cum on him dryvand in fere of were, it war lyke as he schupe
 10 to sla him. And suppos the tothir gave him the first strake, and slewe him with the first strake, zit suld it be callit diffence, be gude resoune, be thame that sawe and knewe the aventure, sen he schupe him on him with syk a fere and in syk maner. Bot as to the
 15 resoun in the contrarye that sais that, in justice ordinare, that before a juge a man suld mak his clayme be a libell in wrytt. Treuly the libell na thai wordis ar nocht sa perilous to bide as ar the strakis of wapyn, suerd, spere or knyf. Quharefore, suppos he dredde
 20 thame mare, and sett him to prevene thame, he is excusit. For men sais commonly that word is as wynd, bot dynt is as devill. And tharfor quhen twa campiouns ar in clos felde of barrieris, and the process be all cummyn to poynt, redy to the conclusioun, and
 25 the cryis be maid, and thai have said on the princis behalve—Lat thame ga togeder, and do thare devoire! God schaw the rycht! Than ilke man wate quhat he has ado. And than, gif ony of thame may our his falow, be ony habilltee or strenthe, or suteltee and
 30 othir engyne, barate or cautele, sa that it be nocht signifyit him be nane othir efter the cry maid, he may, be all lawis, sen he defendis him, put his falow to the wer, gif he may at all his power, sen thai ar levit of the prince be the cry that biddis ilke man do his devoire.
 35 And than may he that is defendour ches him the best of the felde and maist avantagius. Bot as till all gude

resoun of uterast conclusioun of understanding of this poynt, be all opyniouns of maist worthy and wis men of weris and of lawis, I traist the defendour suld byde quhill he persave the provour step furth to cum toward him, and than begynnys the defence, or that he mak 5 semblaunce to step furth, etc.

[Capitulum
cxxxiii.]

HERE speris the doctour, gif a man be vencust in bataill clos, suppos the king remytt him his accioun, quhethir gif he aw to content the party of the expens resonable. As thus, quhen a bataill is sett done and 10 begunnyn in felde, the parties fechtis lang, the tane has alluterly the unliklyar, and at the poynt of perdicious, the prince seis that, and has pitee, and cryis Horo! horo! Thare cummys the vaincur, askand jugment of rycht, and the king ansueris, I juge the 15 to have the honour of victorie; and I geve him his lyf, for thus plesis it me. Than askis he his expens of costis and scathis, than here lyes the questioun. Sen the king jugit na expens till him, thai say he aw to have nane expensis. Bot the wynnare sais 3is, he aw 20 till have his expens be the lawis, for quhare the principale gais the accessour folowis; quharfore, suppos it was nocht spokin, it was understandin be the sentence, for the tane drawis the tothir; and gif the juge has left throu negligence to juge the expens, he aw in 25 payne of his negligence to pay thame him self. Bot as for conclusioun in this mater, treuly, be all gude resoun and gude faith, the vencust man, sen he has grace of his lyf suld pay to the vencusour his costis resonable. For suppos the king had na mynde in the 30 tyme, it folowis nocht that, suppos he gave him his lyf that is at his will and grace to geve quhare him lykis, bot he may nocht be resoun [withhold?] it that is per- tenand of rycht to the tothir partye; bot he wrang him, and than, etc.

HERE speris the doctour, how suld he be punyst that is vencust in barrieris, and grauntit his errour in the closour? As gif a knycht appellis ane othir, say-
 and that he is traytour till his soverane lord his king.
 5 And quhen the bataill war in the stoure of the maist hete of the fechting, the appelour cryit up to the prince, sayand, he wald nocht tyne his saule, and that he had maid a lesing of the said knycht, and that all that he had said was untrew, and feynyt thing for
 10 despyte and invy, and othir fede. Than is the questioun, quhat punycioun he suld have be the law of armes, that is to say in body, and in gudis, and in honour? To the quhilk is ansuerd that he suld have the payne of talyoune, be the law civile. That is for
 15 to say, that sik punycioun as the tothir suld have that the crime is put on, sik punycioun sall he have that puttis ony crime till ony persone and may not preve it. And thus suld the vencust man in barrieris be punyst efter the demeritis of the caus, the quhilk suld
 20 nocht be forgevin with sik accessoiris of expens, scathis and interest as efferis.

[Capitulum
 cxxvi. See
 footnote, p.
 267.]

HERE speris the doctour, gif a man had bene in barrieris vencust of ony caus, quethir gif he suld thole law tharfore in jugement ordinar efterwart. As gif this
 25 fornamyt vencust man had bene thus punyst and dishonourit in barrieris, gif ane of his nyctbouris for invye walde ger summond him in jugement, and ger accus him of the crime of manesuorne. And as to this questioun, it semys that nay, it aw nocht to be.
 30 For it that is anys clamyt and correkkit be justice suld nocht cum again to be newly correkkit na recon-dampnyt in ane othir justice. For thare aw na man to be punyst be double penaunce for a crime. For to this is accordand bathe the haly lawis, and the lawis
 35 of man, and of God. Na God gafe nocht jugement

[Capitulum
 cxxviii.
 See foot-
 note, p. 267.]

Fol. 77.

twis of a forfautour. For, be all lawis, gif a crime or
 caus mycht efter it was anys jugit cum again in juge-
 ment, thare suld be nane end of process na pledis, the
 quhilk law will nocht; bot in the contrair schapis thame
 to schort all causis, and to lesse all expens and travailis 5
 of parties efter the possibilitie of law. Bot neverthe-
 les the tothir party may thus allege—Schir juge, we ar
 here in judgement ordinar, and in law wrytyn. And
 as to that, that the party has allegit, I graunt the
 resouns ar all gude and trewe, sa that the determina- 10
 cioun and decisioun of the questioun of lawe had bene
 before a juge ordinaire, and the crime correkkit thare.
 Bot 3e wate that bataill in felde clos of barrieris is
 nocht approvit be the lawis canoun na civile, na
 theology na be law of nature, bot anerly tholit at the 15
 plesaunce of princis. Quharfore, suppos it have thare
 in syk maner endit, it is nocht lawfully punyst. And
 thus I ask 3ow rycht law and resoun, as 3e that ar
 juge ordynare and aw to kepe us the lawis. For the
 judgement extraordinar sall nocht lett the justice ordy- 20
 nare, as I sall geve 3ow be example. And it befell
 that a lordis sone of this contree had reft me certane
 gudis and dongin my persoun rycht wele, suppos the
 fader had dungin him again, and send me my gudis,
 the justice wald nocht forthy to punys hym for the 25
 ref rycht as a revare aw to be punyst. And sa is it
 in this cas; for suppos thare was a colour of justice
 extraordinare, it lettis nocht the ordynare. And here
 as to this cas, me semys, nocht gaynstandand all thir
 resouns, and the prince had punyst him, and the party 30
 war content, thare mycht na justice in his realme do
 justice again till him of that man. For the remissioun
 of the prince saufis him, quhethir it be extraordinare
 or ordinaire, bot and the party had maid a private
 appoyntment and accordance with him by the prince, 35
 he suld nocht be for that fred fra the justice ordinaire.

For sen the custum is thus our all the world, now quhethir it be law or nane. Quod principi placet in lege habet vigorem. Quhat thing that ples the prince in privelegis extraordinaris, and graxis, and remissiouns
 5 is tholit and has strenth in the lawe. And tharfore, sen it plesis thaim, the best is to lat it pas throu dissimilacioun.

HERE speris the doctour, gif a knycht appellis ane othir of bataille, quhethir gif he may repent him efter-
 10 wart, and concorde with the parties, but leve na permissioun of his prince, at his plesaunce. To the quhilk questioun it semys that it mycht wele be. For quhy, be the law writtin, a man that accusis ane othir may cesse quhen him lest fra accusacioun of that crime,
 15 before that the jugement have determynit tharapon, and namely of accusacioun done for hete of crabitnes in ire, apon ony persone, sa that it be cessit or the accusour be oblist to underly the payne of talyoun. And as to this questioun, I ansuer be a distinctioun,
 20 makand difference of a bataill vagit before personis na powar hafand to ressave gage of bataill. Suppos in hete and ire a knycht had appellit ane othir of crime mortall, and thare apon tane witness, and the gaigis tane in handis to bere in the presence of the prince,
 25 or of constable or marschall, and in the tyme the knycht appellour war better avisit, and had bene othir wayis of the contrair, or war appesit of his ire, or that he had drunkyn our stark wyne, or sum othir way had in foly and lichtnes maid his appellacioun, of the
 30 quhilk efterwart he repentit him, and trety come betuene thame and accordit thame. In this cas he may renounce but his princis leve, and never be tharof nocht. Than it is sum part dishonourable till him to be callit sa lycht wittit that he suld mak sa sudane
 35 ane appellacioun, and syne to repent and gayncall his

[Capitulum
 cccxvii.]

